

# LAW LIBRARY JOURNAL

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## AMERICAN ASSOCIATION OF LAW LIBRARIES

ELEVENTH ANNUAL MEETING, ASBURY PARK, NEW JERSEY,  
JUNE 27-29, 1916. PROCEEDINGS.

FIRST SESSION, WEDNESDAY, JUNE 28, 9.30 A. M.

The meeting was called to order by President E. J. Lien, who delivered the following address:

In view of the fact that we have on our program so many interesting and important matters for consideration, I shall not give you any extended address.

The work of our association is well known to you all, and will appear in detail in the committee reports and discussions. I shall, therefore, refrain from reciting the accomplishments of the year which has passed since our meeting at Berkeley, and shall only congratulate the association and its members upon its continued activity and prosperity, and express the hope that our meetings at this time will create even greater interest and activity in our work. Let each member realize that the association is just what we make it, that its usefulness depends wholly upon the interest we, as members, take in it, and upon the work we are willing to do for it and for each other.

As I stated at our meeting at Berkeley a year ago, the present new development of law libraries is in the line of administrative law. A few years ago it was legislation. As you know, many libraries went into legislative information service, and one of the results of that line of work is the Official Index to State Legislation, which has been published now for two years, and which we hope may continue. But the newest development is the interest in and demand for decisions of boards, commissions and administrative officers. This is due in great measure to the trend of our time toward government through such commissions and boards. We have constant call for decisions of Railroad Commissions, of Public Utility Commissions, of Workmen's Compensation Boards, of Tax Commissions, and so on. Many states are publishing such decisions in separate volumes. Wisconsin thus publishes the decisions of its Railway Commission, California does the same, New York goes further and publishes not only the decisions of its Public Service Commission, but also a series of other departmental decisions. In Canada the Government also publishes the decisions of its Railway Commission in a separate series, the sixth volume being current. These decisions covering so many different phases of administrative law are becoming a necessary part of the law library. The publication of the two series of Public Utilities Reports in 1915, and their

happy consolidation, of which we were told yesterday, will help us as to decisions of Public Utility Boards and Commissions from 1915 on, but we still have the difficulty of supplying the demand for the decisions prior to 1915, which are found in some cases in separate volumes, in others with annual department reports, often bound up in the executive document sets, and in some cases the decisions are found only in some obscure periodical or newspaper. It may be that some time in the future some publisher may find it practicable to search out all these decisions and publish them in one series covering the years prior to 1915, but for the present we are compelled to supply as best we can the demand for such administrative decisions, and to gather, so far as practicable, the various volumes in which they may be found.

One of the very practical accomplishments of our association is the publication of the Index. In view of this fact the subject of legal periodicals in the law library would seem a timely one, and I shall speak briefly upon this subject, not with any purpose of imparting information, but rather in order to introduce the subject for discussion, either now or at some future time.

Our Index now covers 60 periodicals, all, except possibly two or three, properly classed as legal periodicals. In the Minnesota State Library we subscribe at the present time to 89 different periodicals, all relating to law, legislation or administration. Our bound volumes number approximately 1,200. I have no doubt many libraries represented here have much larger collections. So that the legal periodical seems, in quantity, at least, to be an important factor in law library work. New ones are continually appearing; some, like the flowers of spring, bloom for a brief time and then quietly pass away; others continue and grow into usefulness, and into use.

It would be interesting to go into the history of legal periodicals, but I am not sufficiently familiar with the subject to do so. The earliest publication of this kind in the Minnesota State Library is "The Lawyer's Magazine," published in 1761. In launching this magazine the publishers, after setting forth its purpose, said:

"If our readers are young, these studies will be nurture to them; if old, they will give them delight, add a grace to whatever they do in prosperity, be a comfort to them in adversity, amuse them at home, be no interruption to them abroad; they will make their sleep refreshing, lessen their fatigues and enliven their retirement."

A glowing prospect, indeed! It may be added that the publication lasted through one volume.

The first legal periodical in America seems to have been the "American Law Journal," begun in 1808. In its preface the purpose of the publication is given as "in some measure to remove the inconveniences" arising from the conflict of laws between the various states, by discussing and digesting briefly the laws of the different states which are of general importance and reporting decisions thereon.

The scope of the present strictly legal periodical seems to be, briefly, discussion of legal problems; summary of court decisions; review of law books, and biographies of prominent members of the Bench and Bar. One of the very new ones expresses its purpose as follows: "To provide the profession with a medium

for the exchange of such information as may be of interest to the individual members." (*The Lawyers' Review.*) Of course, no statement as to scope can apply to all periodicals. Some are devoted to a specific subject, such as Insurance Law, Banking Law, Personal Injury Law, Transportation, or Administration. Some are devoted mainly to the advertising of certain publications. But into whatever classification they may fall, they have their value. It is not so much a question of what periodicals to take, for I believe it will be conceded that at least the leading law journals ought to be in every law library, and practically all current ones in the larger library, but the question is, How shall we stimulate their use? I find that they are not used nearly as much as they ought to be, or at least not as much as I think they ought to be. Why should not the legal periodical in the law library be scanned with the same eagerness as is the general periodical in the general library or the technical periodical in the technical library? If some obscure point, barely touched upon in text books and encyclopedias, is fully elucidated in some periodical article it is our duty, as librarians, to see that the inquiring lawyer is referred to it. Not only that, but we should encourage the lawyer to look for such articles, and also encourage him to look for, and to follow the development of the law as it appears in the current numbers.

Our Index has helped to bring them into use and will continue to do so in a greater measure as it becomes better known. Card indexes are of assistance and most of us have and use these with more or less results.

In Minnesota our state digest, Dunnell's, contains occasional references to the Harvard Law Journal, Columbia Law Review, and American Law Review, and this has helped materially in calling the attention of lawyers to these publications, and incidentally to legal periodicals generally. This is a step in the right direction, and I believe it might be followed by text and digest writers with good results.

When practicable, the law journals should be kept in a place convenient of access, so convenient, if possible, as to force themselves upon the lawyer. In our library we have a case containing the current numbers in the reading room, and I find that this calls attention to their existence and stimulates their use. Of course we occasionally lose a number, but I feel that it is emphatically worth while to have them thus prominently placed.

The librarian should examine the current numbers and be able to call attention to important articles which may be in point when a lawyer is searching for information. As an aid, I have made a card index showing where any case in the Minnesota reports has been cited in any article, note, or comment in the periodicals. As a result we are now frequently asked whether or not a certain case has been commented upon. It takes some time to thus examine every periodical as it comes in, page by page, locating Minnesota cases and making a card for each, the cards being arranged by volume and page of the reports, but I think it has been well worth the effort.

We need a check list of American legal periodicals. Foreign periodicals are fairly well covered by the Sweet & Maxwell check list. Would it not be practicable for us to cooperate in making a check list? Let some library having a fairly good collection make a card index for that library, with such bibliographical data as may be desirable; let this index be forwarded from library to library for additions. This would give a fairly complete check list.

There is another matter to which I have been requested to call the attention of the association at this time. I have here a letter from one of our members who is unavoidably absent from our meeting. I am sure we all miss Mr. Shaffer, of the State of Washington, and regret that circumstances make it impossible for him to be with us. His letter, after expressing regret that he is unable to be present, and wishing us a pleasant and profitable meeting, is as follows:

"I wish to take up a matter with you which I took up before to some extent, but not with the success I would have liked. Some of you people claim that you get the advance opinions of the United States Supreme Court, but we are unable to get them except as we send for them when they are published by West, Lawyers Cooperative, or Banks. The judges of the Supreme Court, in rendering their opinions, read them from typewritten manuscripts. I believe that if we make an effort we can have the government furnish, at least, to government public document depositories, copies of these opinions as soon as they are handed down. There is no reason why it should not be done. If you see fit and agree with me in this matter I wish you would present it."

And in a subsequent letter he writes:

"I am reliably informed that the opinion which is read on Monday morning is read from printed and not from typewritten manuscript. If I am correct, then this printing is done at the Government printing office and is used no further. The type is lost. It seems that it would be easy to strike off a few extra copies, at least enough for the depositories of government documents throughout the country."

I may add that the importance of this matter was called to my attention very forcibly by an instance which occurred a short time ago. A case was decided by the United States Supreme Court April 10th, and the decision noted in the press. This decision was of importance in a case pending in our Supreme Court, and I immediately wired the clerk of the United States Supreme Court requesting him to send me a copy with his bill. In a few days I had a form reply that the copy would be sent as soon as the same was printed. I heard nothing further until it was printed in due course in the regular advance sheets of April 20th.

I do not know that there is anything we can do in the matter, but Mr. Shaffer's suggestion is laid before you for consideration. I have no doubt some of you are more familiar with this matter than I am, and that some suggestions may be made.

#### DISCUSSION.

Dr. Wire: The United States Supreme Court decisions are handed down in print in a very limited number, and are not done in the regular Government printing office, but at a private plant. Enough copies are issued to go the rounds of the courts, and presumably for the counsel, and I think the reporters or the press may be able to secure them; but they are actually handed down printed, and sent on to be printed in the official reports and in the Reporter advance sheets.

Chairman Lien: Is the opinion rewritten or revised after that first print?

Dr. Wire: I don't think it is. As I understand it, it is handed down in print as it is afterwards printed for the use of the public. It has been revised and sub-

mitted to the full Court, and the revision and changes made and sent to this small printing office.

Mr. Cheney: Wouldn't it be the proper thing for this association to appoint a committee to take up the matter of supplying law libraries, with the Clerk of the United States Supreme Court?

Mr. Armour: Our Court of Appeals Library receives these reports. The Judge writes to the Senator in Washington that he would like to have the reports, and the Senator arranges with Pierson & Son, and they get them within a few weeks after they have been handed down.

Mr. Schenk: The matter was called to my attention some few years ago, and I made inquiry to see if it was possible to get these advance opinions. Mr. Field, who was Clerk of the Department of Justice at that time, intimated that if we had a committee which could take it up with the American Bar Association, and the American Bar Association in turn recommend the same to him, there wouldn't be very much difficulty in getting a rule of the Court providing for the distribution of these opinions. Of course, you all know the Washington Law Reporter hands them down promptly, and anyone can get opinions in the Washington Law Reporter a long time before they appear in the official print. I suggest that a committee be appointed to wait on the Law Reporting Committee of the American Bar Association at their meeting in Chicago, and discuss it with them.

Mr. Mettee: I believe in going right to headquarters. There is no reason why we should deal with the Bar Association. I suggest that we appoint a committee of one who will go to the Chief Justice of the Supreme Court of the United States. I believe he is the man to be approached.

Mr. Redstone: The Social Law Library in Boston receives the opinions on Thursday of each week when the opinions are handed down on Monday. We receive them through the courtesy of Justice Holmes.

Mrs. Klingelsmith: We are not receiving the reports. I wrote to the Clerk of the Supreme Court, and got an answer that if we sent a certain subscription we would get them. I understood that as soon as they were delivered and made public, we would receive them if we sent in this subscription.

Mr. Schenk: A number of libraries receive briefs of the Court through a rule of the Court. I believe Ohio now receives them, and Philadelphia, and Mr. Poole, of the Association of the Bar, receives his by an order of the Court, which is introduced, providing for the printing of the copies and the distribution of them.

Chairman Lien: I was not aware of that. We have to pay for them. Do you wish to take any action in the matter at this time?

Mr. Small: I move that the chair appoint a committee of three to investigate and report its findings, with power to act.

The motion was seconded and carried.

Chairman Lien: We will now have the report of the treasurer, Mr. Redstone.

## REPORT OF THE TREASURER FOR THE YEAR 1915-1916.

I submit the following report for the year 1915-16:

*Receipts*

Balance on hand.....	\$ 206.87
Received from dues.....	112.10
Received from H. W. Wilson Co.....	954.88
Total.....	\$1,273.85

*Expenditures*

H. W. Wilson Co.....	\$ 773.05
F. W. Schenk.....	110.00
American Library Association.....	3.67
G. E. Woodard.....	240.00
F. W. Lanbon.....	12.50
Western Union Telegraph Company.....	24.74
Hill, Smith & Company.....	10.00
Edward H. Redstone.....	13.00
Collection on checks.....	2.10
Total.....	\$1,189.06
Balance in State Street Trust Company, June 1, 1916.....	\$ 84.79

Respectfully,

E. H. REDSTONE,

Treasurer.

A motion was made that the chair appoint a committee to audit the treasurer's report, the committee to report at the afternoon session, which motion was seconded and carried.

## REPORT OF THE AUDITING COMMITTEE

*To the American Association of Law Libraries:*

Your Auditing Committee have this day examined the report of your treasurer for the past year and find the same to be correct, with proper vouchers on file for all expenditures and a statement of the State Street Trust Co. of Boston showing that the proper balance is deposited to the credit of the association in that institution.

E. A. FEAZEL,  
E. L. WHITNEY,

Committee.

Chairman Lien: The minutes of the last meeting were published in the Law Library Journal, and unless there is objection they will stand approved as published.

(There being no objection, the minutes were approved.)

Chairman Lien: I announce the following committees to report at the afternoon session:

*Auditing Committee*—MR. FEAZEL, Ohio; MR. WHITNEY, Vermont.

*Nominating Committee*—MR. POOLE, New York; MR. SMALL, Iowa; MRS. KLINGELSMITH, Pennsylvania.

*Resolutions*—MR. GODARD, Connecticut; MISS DAVIS, Wyoming; MR. CHENEY, New York.

A paper on Instruction in Legal Bibliography at Columbia University Law School was read by Frederick C. Hicks, Law Librarian. This was followed by a paper on Instruction in Legal Bibliography at University of Chicago Law School, by Frederick W. Schenk, Law Librarian.

(These papers with discussions will appear elsewhere in the Law Library Journal.)

#### SECOND SESSION, WEDNESDAY, JUNE 28, 2.30 P. M.

The meeting was called to order by Chairman Lien. He announced the following Committee on the Method of Obtaining United States Supreme Court opinions:

MR. POOLE, Chairman; MR. FEAZEL, MR. GLAZIER.

The first paper of the afternoon session, "The Problems of Statutory Indexing," by Mrs. Agnes McNamara Munson, was presented by Mr. F. G. Munson, of New York City.

(This paper appears elsewhere in the Law Library Journal.)

At the conclusion of this paper, reports of the various committees were read and discussed.

#### REPORT OF COMMITTEE ON THE INDEX TO LEGAL PERIODICALS AND LAW LIBRARY JOURNAL

There is very little to say which the members do not already know. The subscriptions have somewhat increased, the additions amounting to 22, raising the total from 168 to 190.

The delay in the January number needs passing mention. This was due, it seems, to a misunderstanding of the form to be used in furnishing copy. This misunderstanding required extensive additional work on the cumulative feature of the January number. Then there was another reason; namely, the crowding of the presses in the printing establishment, owing to the fact that the Wilson Company were getting out several cumulations at the same time. This crowding of the presses at the January period has led the committee to consider the desirability of choosing some other time of the year for our cumulation, and the committee would very much like to have some consensus of opinion with reference to it. They are somewhat doubtful as to the desirability of changing the present plan. Of course, there are two things to be said in favor of a change. First, the fact that there are other cumulations in January, which might delay us again; and, Second, the year of the law courts, especially the Appellate Courts, begins in October, and there is no particular reason why we should end our volume with the current year; in fact, it might be better to end it with the ordinary legal court

year; but there is, of course, danger in changing a well-established rule. We asked Mr. Wilson today if there was likely to be delay in the future if we continued the present scheme, and he said no, which makes the committee doubtful as to the desirability of any change, but, Mr. President, I think the committee would appreciate some opinions from the members present on that point.

F. O. POOLE, *Chairman.*

#### DISCUSSION.

Mr. Godard: Most college and legal periodicals end with the July number.

Mr. Butler: I think a number of the other magazines would offset the college magazines, especially the weekly ones that end with the calendar year. I think that is especially true of some of the English magazines. If there is no other reason than the delay in publication and the fact that the college magazines discontinue in July I would vote against a change, and for another reason. If the time is changed, there will be a cumulation of a year and a half, or else a half-year cumulation.

Dr. Wire: I see no reason why we should change the cumulation. Let it run on regularly.

Chairman Lien: I prefer to continue the present plan, in order to have an index covering the calendar year. I cannot see that it makes very much difference, but that would be my preference.

Mr. Small: It is my opinion that we should continue the present method of publishing. I would rather have a publication begin January 1st and end December 31st.

Mr. Godard: There is another reason why we should not make the change. If we cumulate a year and a half, those who subscribe this year and do not renew their subscription next year will be short a cumulative number.

Mr. Hewitt: Another reason occurs to me against the change. I think the present system allows a valuable checking up service. Take those university periodicals, for instance, that end with June. Before the cumulative number of the Index is completed, those college or university magazines are completed and indexes are published. It gives a fine opportunity to see whether anything has been overlooked, though I have always felt that the Index is generally so well done that the opportunity of changing isn't so important, after all.

Mr. Small: Has the committee power to act or does it ask for information?

Chairman Lien: As I understand it, the committee has full power to act, and simply asks us to bring the matter before the meeting to get an expression of opinion.

Mr. Mettee: Mr. Poole says the term of Court begins in October. I really don't think the term of the Court has ever entered my mind. I like to have the Index cover the calendar year, but there is a growing use of periodicals in our library, and I have been requested to ask that the cumulative number be issued promptly.

Chairman Lien: The question is one of changing the time of cumulation to October from January. Are there any further suggestions as to that matter?

Mr. Cheney: To add to the argument, I would like to see the October num-

ber devoted to the printing of all the papers that are going to appear in the Law Library Journal that have been read here this summer, so that we won't have to wait until next April for part of the material that we heard here today. Some of us have not taken notes of what we have heard, and we would like to pick up the thread after vacation is over where we left off. If we devoted the October number to such a publication as that, then there wouldn't be much room for the cumulated annual index in that number.

Chairman Lien: I think probably Miss Woodard can give an explanation.

Miss Woodard: The publication of papers has been a financial matter with us. Of course, it would be a very good idea to publish them in the July number. This year they will appear in the July and October issues.

Our expenses are coming up considerably, and the cost of printing is increasing. Mr. Wilson has submitted a schedule of increased prices. If you expect the Law Library Journal for January and April to be as full as the October and July numbers would be, I am afraid we couldn't afford it. I may not be right about that. I do not think our financial condition at present warrants the publication of all departments of the Law Library Journal in connection with every Index.

We have put in a new feature this year—the check list of current reports and session laws. That has met with much favor. Mr. Schenk has offered to furnish a list of current compilations and revisions. It probably will appear in the October number. Dr. Wire submitted to me a list of foreign publications that he thought would be wise to have in the form of a check list, so there really is a demand for this kind of material in the Law Library Journal. If we can afford the additional expense, I am very much in favor of increasing the scope of the Journal in any manner.

The cumulation was to include the April, July and October numbers, and to appear in November, for the reason that it seemed as if our universities and courts being in session with the heaviest work coming from fall into spring, that we should gather our material in the summer. So far as university libraries are concerned, the Index is very little used in the summer. I presume it is used the year around in bar and state libraries.

Mr. Hewitt: I would like to ask the committee whether the Index could include the various state bar associations' addresses and papers. These are of great interest. It might be that arrangements could be made by which the various state bar associations and other bar associations might see fit to give a general recognition to the Law Library Journal and Index as relating to themselves. I think perhaps this could be worked out and would like to suggest it.

Mr. Mettee: I think it is a very good idea. I have an index of the Maryland Bar Association reports which I will turn over to the editor whenever she wishes it.

Miss Woodard: I understood that Mr. Parke was preparing a second edition of his Index to Bar Association Reports. Does anyone know about it? I have thought that the October number being the lightest could include the Bar Association Index, but we do not want to duplicate any other index in preparation.

Mr. Small: I would like to ask Miss Woodard if she has this bar association material available.

Miss Woodard: The current reports are coming in very well indeed.

Mr. Poole: I had some correspondence the other day from the Legislative Reference Library at Austin, Texas. Mr. J. F. Marron has just been appointed custodian of the publications of the Texas Bar Association which have been buried and practically out of existence for some time. There is a vast store of them.

The report of the Committee on Legal Bibliography was read by Mr. Small, chairman, and, with the discussion, will appear elsewhere in the Law Library Journal.

Following this report, Mr. Godard, of the Connecticut State Library, read a letter from Dr. J. Franklin Jameson, Director of the Department of Historical Research of the Carnegie Institution of Washington, under date of May 26, 1916, in which Dr. Jameson expressed his great interest in the preparation of the bibliography of American statute law by Mr. Theodore L. Cole, of the Statute Law Book Company of Washington.

Dr. Jameson stated that the proposition which Mr. Godard had made to him suggesting the compilation and publication of such a bibliography of American statute law by Mr. Cole be undertaken by the Carnegie Institution of Washington had been presented to President Woodward who thought that an appropriation for 1917 was probably impossible but not impossible for the calendar year 1918, and that the book if undertaken will be undertaken as one of the works of the Department of Historical Research, for it was the desire of President Woodward that the institution should assume the whole expense and control of its preparation and publication.

Dr. Jameson suggested that state librarians and law librarians could cooperate by subscribing for a considerable number of copies of the work after it was published. The Carnegie Institution did not ask for financial aid to prepare the manuscript but did hope for assistance through the sale of the completed volume, which would be sold at actual cost. He expressed the opinion that a liberal subscription by libraries to the publication would have a good deal of weight in deciding President Woodward's mind as to making the appropriation for this work.

Mr. Cole was present at the meeting and signified not only his willingness but his desire to put into permanent form such bibliographical information as he has been able to accumulate during his busy life in the field of American statute law.

Mr. Godard suggested that a committee be appointed to take this matter in hand and at the proper time ask the leading libraries and librarians for their active and tangible support to assist in the publication of this monumental work.

Mr. Small: This is one of our greatest undertakings, and one that is most desirable. We congratulate ourselves and thank Mr. Godard for the work that he has done. I will say in our behalf and in view of the progress that has been made, that we should not permit it to be dropped at this time. It should be continued, and I believe it will be successful, and we as librarians from different parts of the country should take hold of the matter and encourage it. Personally, I do not think there will be any doubt about the number of copies to be sold. Inasmuch as Mr. Godard has had this matter in charge, I move that he be constituted a committee representing this association to further the correspondence and continue in the line of progress, with power to act.

The motion was seconded and agreed to.

## REPORT OF THE COMMITTEE OF SUBJECT HEADINGS

This committee has nothing to add to its report of three years ago.  
G. N. CHENEY, *Chairman.*

## REPORT OF COMMITTEE ON SHELF CLASSIFICATION

The committee has no further report and asks to be discharged.  
E. A. FEAZEL, *Chairman.*

Chairman Lien: You have heard the report. What is your pleasure?

Mr. Hewitt: Some expression of appreciation of the intelligent and industrious work which this committee has done in the past should be made, and I move that the committee be discharged, and that the thanks of the association be tendered them.

The motion was seconded and agreed to.

REPORT OF THE COMMITTEE ON THE REPRINTING  
OF SESSION LAWS

The Committee on Reprinting Session Laws reports as follows:

That some time ago Mr. C. Will Shaffer, law librarian of Washington State Library, made a reprint of the 6th Idaho Territorial Laws. Aside from Idaho your committee has learned of only the following reprints, both being continuations of series already well known to most of you. We submit portions of correspondence concerning Massachusetts and New Hampshire reprints thinking these would be valuable to some of you.

Under date of February 25, 1916, Hon. Melville M. Bigelow, editor of Massachusetts Province Laws, writes, "Vol. 19 of Province Laws is nearly through the press, but it always takes considerable time to finish the plate proofs and make the index, or rather to pass the index through the press. Then there is the binding. I cannot tell when all this will be done. It will take some months. Vol. 20 will complete the series except a thin volume relating to towns. Vol. 20 has gone to the printer and the thin volume is practically ready for the press."

Hon. H. H. Metcalf, editor of State Papers of New Hampshire, under date of May 8, 1916, writes, "The Laws of New Hampshire, 1775-1784, covering the revolutionary period have just been issued in a volume of something over 900 pages. . . . The laws from 1784-1792 under the first Constitution are about ready for the printer and will be issued before the close of the present year. . . . It is the purpose of the governor and council to discontinue work in this line for the present."

From our former reports we gather that of the thirteen original states the following, Delaware, Massachusetts, New Hampshire, New York, Pennsylvania, South Carolina and Virginia, have all reprinted their laws, at least down through the colonial period, and in some cases beyond that, the latest being South Carolina to 1878. Of the remaining, Connecticut, Maryland, North Carolina and Rhode Island have reprinted some in their various sets of records or archives. So far as we know Georgia and New Jersey have done nothing in line of reprinting colonial laws.

It is to be hoped that the following states at least will continue their reprints well into the last century: Massachusetts, New Hampshire, New York and Pennsylvania. What laws New York reprinted down to 1805 she preserved more than she could have done in any other way when the disastrous fire of March, 1911, destroyed so much of the law collection.

Of the first group of admitted states Vermont, 1791; Kentucky, 1792; Tennessee, 1796; Ohio, 1803; Louisiana, 1812; Indiana, 1816; Mississippi, 1817; Illinois, 1818; Alabama, 1819; Maine, 1820; Missouri 1821; Arkansas, 1836; Michigan, 1837; Florida, 1845; Texas, 1845; Iowa, 1846; Wisconsin, 1848, we possess official reprints of Michigan, Iowa and Wisconsin. We need reprints of early session laws of all the other states, especially Vermont, Kentucky, Ohio, Indiana, Illinois and Maine. Even in the case of the states admitted beginning 1850 we need reprints of California, Minnesota, Oregon, Kansas, Nevada and Nebraska. Early Oregon session laws are simply out of sight; California is almost as hard and expensive to procure, and Kansas, Nebraska and Nevada come along a close third.

This reprint matter properly belongs, however, to the State Librarians, and your committee would respectfully suggest that we be allowed to present the matter to the National Association of State Librarians, and then be discharged from further service as it is manifestly impossible for the law librarians to secure any further action.

G. E. WIRE,  
A. J. SMALL,  
E. A. FEAZEL,  
Committee.

June 20, 1916.

#### DISCUSSION.

Chairman Lien: You have heard the report. What action do you wish to take in the matter?

Mr. Godard: May I say that as far as Connecticut is concerned, there is an act which authorizes the State Librarian to reprint the state records. Volume 3 has been in galley proof for some time, but the material which is necessary to complete these volumes has been in the office of the Clerk of the Court. So in 1909 we had an act passed which enabled any state, county, town or other public official to deposit in the Connecticut State Library any books or papers in their official custody not in current use; so it has come to pass that those papers are gradually coming in to us and within the last two months the Secretary of State has turned over to the State Library all legislative papers prior to 1820, and at

the same time the Clerk of the Superior Court of Proctor County has turned over all county files and county records from the year one of that county, 1635, down to the present time, and others seem to be coming, and the work of indexing is in progress and going along nicely.

Under this act, 49 of the 113 voting districts in the state have deposited their files, the earliest of the probate files being 1670, and some of the latest coming down to 1914. These have all been arranged by states, and the states alphabetically under the districts to which they belong.

Another thing in the same line; the older churches of the state are depositing, by a vote of the church or society, the earlier records of the church. The last one, which came in last week, was East Proctor, whose records begin in 1733.

Chairman Lien: Unless a motion to the contrary is made, we consider all the committees continued and their reports accepted. If that custom is to be varied, a motion will be in order.

The report of the Committee on Latin-American Laws was not presented, Mr. Borchard, the chairman, being absent.

#### REPORT OF THE COMMITTEE ON THE LIST OF LAW LIBRARIES AND LAW LIBRARIANS

After I received the letter requesting me to continue as chairman of this committee, I noticed a very recent publication of a list of law libraries by the Education Department of the United States, which gives not only the law libraries but all other libraries having ten thousand volumes or over, so that the need of this association's spending any of its funds to perfect this work at this time would not seem to be practicable. I consulted with the other members of the committee, and decided not to do anything further at this time.

G. N. CHENEY, *Chairman.*

#### DISCUSSION.

Mr. Hewitt: I think that the list from Washington published by the United States Government gives a great deal of valuable information and is, of course, of great interest on that account, but I also think that it is not as complete as the former list that was made in 1909. That gave information about law libraries. I do not think the present one does. I think the reason is that they asked such formidable questions, sometimes personal questions, that some librarians did not care to answer all of them. I do not think the list is quite such a list as is needed. There is still room for another list. I do not mean by this association, but the United States could issue a simpler one, and I do think that is very desirable.

The report of the Committee on Uniformity of Session Laws and Documents; Chairman, Mr. Gholson, of Cincinnati, was not read, owing to the absence of the chairman.

The report of the Committee on Symbols to Indicate Pagination of Books was read by Mr. T. L. Cole, Chairman. (This will appear in a future number of the Law Library Journal.)

Mr. Feazel moved that the report be received and the recommendations therein made be followed.

The motion was seconded and agreed to.

The report of the Auditing Committee (see page 42) was read.

A motion that this report be accepted and placed on file was seconded and agreed to.

#### REPORT OF THE COMMITTEE ON RESOLUTIONS

*Whereas*—Since our last assembling, this association is called upon to mourn the death of Mr. John R. Carter, who was Law Librarian of the Prudential Insurance Company Library of Newark, New Jersey.

*Resolved*—That the American Association of Law Libraries has lost a valued member and the constituency which he served a faithful and efficient servant. That to his wife, also a member of the association, we would extend our sincere sympathy in her bereavement. That this resolution be spread upon the minutes of the association and that a copy thereof be sent to her.

The American Association of Law Libraries has learned with profound sorrow of the sudden and untimely death of Mrs. Agnes McNamara Munson, of Binghamton, New York.

Mrs. Munson was both a lawyer and librarian and a foremost authority in the United States in her specialty of statute indexing. This association desires to record its appreciation of her valued services in these lines of endeavor, both in relation to the Federal Statutes and the New York Statutes, and of her broad grasp of the underlying principles and her untiring energy and application to her labors.

To her husband, Mr. F. Granville Munson, partner and companion in some of her labors as well, we extend our sincerest sympathy.

*Resolved*—That this memorial be spread upon the minutes of the association and that a copy thereof be sent to Mr. Munson.

*Resolved*—That we, the members of the American Association of Law Libraries, congratulate Mrs. Margaret Center Klingelsmith, L. L. M., upon the honor and distinction which she has conferred upon our profession by her monumental work in the translation of Statham's Abridgment of the Laws of England, published about 1470, which has remained unavailable to practically every student of law until 1915.

*Be it further resolved*—That we extend to her our heartiest congratulations for the honor recently so worthily bestowed upon her by her Alma Mater.

*Resolved*—That we, the members of the American Association of Law Libraries, hereby extend our thanks and appreciation to the American Library Association for the privileges enjoyed through our affiliation with that organization.

*Resolved*—That we, the members of the American Association of Law Libraries, hereby extend our cordial thanks and appreciation to the Local Committee of Arrangements of the American Library Association, through whose thoughtful efforts we have enjoyed the many privileges and pleasures of Asbury Park and vicinity.

*Resolved*—That we, the members of the American Association of Law Libraries, hereby extend our thanks and appreciation to our colleague, Mr. John P. Dullard, State Librarian of New Jersey, for his efficient services in providing for our comforts and place of meetings at this our Eleventh Annual Conference.

*Resolved*—That we, the members of the American Association of Law Libraries, hereby extend our thanks and appreciation to the management of the Columbia Hotel for the uniform courtesies shown during the meetings of our association.

A motion that these resolutions be adopted as read was seconded and agreed to.

#### REPORT OF THE COMMITTEE ON NOMINATIONS

The committee respectfully present the following as candidates for the several offices:

*For President*—LUTHER E. HEWITT, Law Association of Philadelphia.

*For First Vice-President*—J. P. ROBERTSON, Winnipeg, Manitoba.

*For Second Vice-President*—MISS MARY K. RAY, Lincoln, Neb.

*For Secretary*—MISS GERTRUDE E. WOODARD, University of Michigan, Ann Arbor, Mich.

*For Treasurer*—EDWARD H. REDSTONE, Boston, Mass.

*For Members of Executive Committee*—

GILSON G. GLASIER, Madison, Wis.

GEORGE S. GODARD, Hartford, Conn.

C. WILL SHAFFER, Olympia, Wash.

FRANKLIN O. POOLE, *Chairman*.

June 28, 1916.

Chairman Lien: You have heard the nominations. Are there any other nominations to be made?

Mr. Feazel: I move that the nominations be closed and the secretary be instructed to cast the unanimous vote of those present for those nominated.

The motion was seconded and agreed to, and the secretary cast the unanimous vote of those present for those nominated.

Chairman Lien: There is one more important matter to be considered. The first evening we were here some of the librarians met and discussed the question whether or not some of the contemplated municipal law libraries would purchase the official Index to Legislation in the cumulative form. It was suggested at that time that some of the law libraries which had not been subscribing to the continuation would be willing to pay twenty-five dollars at the end of the year for the cumulative volume. For our library I told them we would be glad to do so, and I understand that Mr. Redstone will be glad to do it. As the subject has not been brought up in this meeting I thought some of the librarians here would be glad to consider it.

Mr. Godard: I believe we have another joint meeting with the State Librarians, and as I understood it, it was the plan of the president to bring this matter up at the joint meeting, where both the state librarians and the law librarians might be able to formulate a resolution thanking Mr. Allen and take such steps as might be suitable at the time, but I do think that every law library ought to at least take the cumulative number if they cannot take the entire service, because we have got the service through the generosity of one who was very much interested in the matter.

Mr. Mettee: I think this is a very fine offer and I hope it will be accepted by all. I know the only reason our library didn't subscribe to it was the fact that we couldn't afford to pay two hundred dollars for the continuation, but we are willing to pay any amount in the neighborhood of twenty-five dollars.

Mr. Godard: I would suggest that those who are present and feel that they would like this final volume at twenty-five dollars notify either the president, Mr. Poole, Mr. Brigham, Mr. Small or myself at the first opportunity.

Mr. Poole: In view of the interest which the association seems to be taking in legal bibliography, and the use of law books, I move that there be appointed a committee of three on Instruction in the Use of Law Books.

The motion was seconded and agreed to and Chairman Lien appointed as such committee Messrs. Hicks, Schenk and Willever.

Mr. Wheeler: I do not want the association to adjourn without hearing from the Committee on Uniformity on Binding and Printing Session Laws. Mr. Gholson is chairman of that committee, and I am one of the members. We have had some correspondence in regard to it, and I thought probably Mr. Gholson might make a report. I think there is room for a great work in that direction, and we are rather appalled at the difficulty of it, and though we may be able to do nothing this year I think, if the committee is continued, we may do something in the future in improving the session laws, not necessarily making them more uniform, but in suggesting to the various printers ways and means by which they can improve the output of session laws.

Chairman Lien: The committee is continued unless a motion is made providing otherwise, and we hope that they will report next year.

Mr. Small: I will address Mr. Godard as chairman pro tem. I wish to make a motion.

Mr. Godard (as chairman pro tem): Mr. Small.

Mr. Small: I do not think we should close this session without expressing our appreciation for the efficient service of our officers. We have had most delightful and successful meetings all through this conference, and to our officers we owe a debt of gratitude, and, Mr. Chairman, I move that we extend a rising vote of thanks to those who have administered the affairs of the American Association of Law Libraries during the year 1915-1916.

The motion was seconded.

Mr. Godard (as chairman pro tem): The motion is made and seconded that we signify our appreciation of the services rendered to the American Association of Law Libraries by its officers during the past year. If there are no remarks those in favor of such a vote of thanks will please rise.

The rising vote was unanimous.

Upon motion, duly seconded, the meeting adjourned, sine die.

## THE PROBLEMS OF STATUTORY INDEXING\*

PRESENTED BY MR. F. G. MUNSON, NEW YORK CITY

Mr. Chairman, Ladies and Gentlemen: Of course, as you know, this paper was to be given by Mrs. Munson. I speak with considerable difficulty, but trust you will bear with me, and I shall try as best I can to give what I know she would have given. I feel much affected by the circumstances surrounding this paper because it was so much on her mind during her last illness; in fact, until I had made arrangements with Miss Woodard to provide for a substitute she would hardly rest, and when I had she was very happy, and therefore I feel that in coming here such a short time after she has been taken from us I am doing just what she would have me do.

It has been many years since I have been in the indexing work. In 1908 I left Washington, therefore, I shall have to speak with great diffidence and much uncertainty. However, I shall be glad to answer any questions as to methods pursued in statutory indexing.

It might be interesting to say a word or two as to Mrs. Munson's training in statutory indexing work. After being graduated at the Binghamton High School (I believe she was the youngest graduate), she went to Albany in 1906 and was employed by the Board of Statutory Consolidation. After a year there she went to Washington and became associated with those lawyers who were working on the Index Analysis of Federal Statutes. It was there that I met her and was first associated with her. After some three years in Washington we came to New York, we were married, entered the practice of law, and about two years ago, at the invitation of Commissioner Wadhams of New York, took up the question of preparing a classification scheme for the New York Statutory Index, and also during the last year worked in Washington on a supplement to the Index Analysis of which she had been one of the chief editors. Her opinions, with all this training, were always expressed modestly. I find here a note which was evidently to be read before this meeting:

"Before I consider any of the specific problems of law indexing, I had better confess that I have been thinking of law indexes and law indexing so many years that the whole subject seems to me tremendously important, far more so than it does to the average lawyer or law librarian.

"I shall, however, have to give my own viewpoint throughout, with this general admission, that it is the viewpoint of a specialist and quite possibly one-sided, and I shall trust to your applying the perspective of a well-rounded librarian to any over-emphasis, excessive enthusiasm, or exaggerated despair of which I may be guilty."

In the past it is undoubtedly true that extremely little attention has been given to indexing, particularly law indexing. As I said in an article a number of years ago in the American Law Review, I doubt very much whether the average lawyer can call to mind one book which is satisfactorily indexed. The reasons for that, I should say, are several. Perhaps the chief reason is the fact that there is a great lack of sympathy in the mind of the average legislator with any question of

\* Stenographic report of address given at the Eleventh Annual Meeting of the American Association of Law Libraries at Asbury Park, N. J., June 27, 1916.

statutory indexing. You go to the Legislature and say: "We need fifteen thousand dollars." "What for?" "For an index." "Well, what good will this index be?" "It will save the time of many inquirers." Well, what is the time of the average inquirer to the average legislator? Nothing at all, or at least very little. That argument appeals to him in a very slight degree.

Secondly, there is an inability, undoubtedly, to get the proper kind of persons for law indexing work. Somehow there seems to be an impression abroad that law indexing isn't work that is sufficiently dignified for a lawyer. Of that I will speak later.

The third reason, I should say, is the general despair that all persons interested in indexing have with respect to securing any improvement. Mr. Arthur F. Belitz, Assistant Reviser of Statutes of Wisconsin, has written Mrs. Munson since her death. In a letter received three or four days ago he says: "There is little intelligent encouragement in this stupid world for scientific indexing," and from my own experience, and I am sure from Mrs. Munson's, that statement is extremely true. I do not think poor indexes are sufficiently condemned. In a book review nothing will be said of a poor index. Probably the last line will end with a statement that the book is not especially well indexed, or it is well indexed, and we let it go at that.

As an example of how not to index I would ask if any of you has seen the Consolidated Index to the Statutes-at-Large, published in 1906. The work cost the government a considerable sum of money. This is the way it was done. The compiler, or the perpetrator, sat down with a scissors and proceeded to cut out indexes of the various volumes of the statutes-at-large. He then arranged the papers before him alphabetically and put them in four large volumes, and turned them out as the Consolidated Index to the Statutes-at-Large of the United States. What is the result? Suppose you are interested in legislation affecting the District of Columbia. You find, "Columbia, District of. District of Columbia. City of Washington. Washington, D. C."

You have a choice between "holiday" and "holidays"; between "District Attorney" and "District Attorneys." In other words, not an index at all, just a hodge-podge that is slapped together in one volume and given a large and dignified title. One result of this hit-or-miss fashion is that every lawyer becomes a kind of an expert. Frequent use of what is bad has given a sort of sixth sense, which often suggests, when we are on the hunt, the most unlikely places. But gaining this experience is a slow and painful process, and the cost to the inquirer is one of much time and patience.

Now, what is the big problem that we first have to consider in any index? I think it is well summed up in this note:

"The most fundamental of all problems may be said to be the question, What is worth indexing? It would be in some respects desirable if everything extant could be indexed, but it is extremely doubtful, as a matter of dollars and cents, whether it is worth indexing absolutely everything. A research student, hunting down old statutes, might bewail the lack of an index to them, yet to furnish that one student with an index might be far more costly than the work would ever be worth generally."

"Assuming, however, that an impartial person has to decide the problem

whether or not he will index a certain quantity of material, these seem to be the chief factors:

"First, the number of probable readers.

"Second, the frequency of their consulting the index.

"Third, the value of their time.

"Fourth, what kind of an index would be necessary for their needs.

"Fifth, the cost of making such an index."

I might comment on one or two of these factors. "What kind of an index would be necessary for their needs?" Of course, it is obvious that an index which is to be used by a body of technical inquirers, so to speak, must be much more detailed than an index for general readers. For example, take the Military Law of the State of New York. Many military terms have a sense that is very precise and very limited, and an index to that law alone, I take it, would be an entirely different kind of index from the index to the military provisions of the law found in some general index volume. For example, the word "officers" used by military men has a distinct significance. It means a commissioned officer, and in a general index it would probably be necessary in some way to point out that when you say "officers" you do not mean to include non-commissioned officers; or if you did mean to include them, that you clearly indicate that fact.

Now, assuming that the fundamental question of to index or not to index has been settled in the affirmative, let us consider the next problem which may arise:

"I will omit such disagreeable problems as continuing to get sufficient funds year after year, since they are more properly problems of successful begging than problems of indexing. The extremely important problem, as anyone who has been in the work knows, is that first, in indexing a large quantity of material it is absolutely necessary to have a plan, a classification scheme worked out in advance."

That should be a truism, but I know by experience, and I know in this New York work also, many, many objections were made to the fact that for a long time nothing was turned out in the way of index entries, and the whole force simply spent days and nights in preparing this scheme. I remember in Washington we came near not getting any pay for the reason that the auditor said that we had been employed to make an index, not to make a classification scheme, seemingly not realizing that until we had our scaffold we were not in shape to go ahead with our building.

In determining this plan there are two chief factors. The first is the size of the index; the second is the class of probable readers. The most important of these two factors is the size of the index. The difference in indexing one thousand pages and one hundred thousand pages is so great as to amount to a difference in kind. In discussing briefly the problems of indexing vast quantities of material, many of the things that I will say would not apply to a small index. The reason why there is such a great difference between a scheme for a large index and a small index is that with a large index the question of cross references immediately arises, and that is where two-thirds of the trouble comes in making the plan. In the mind of the average layman there is a decided objection to cross references. Some three weeks ago I was talking to the Adjutant General of New

York about an index which I propose to make of the military law, and he said: "Munson, don't do one thing: don't have any 'See's' or 'See also's' in your index; have everything indexed in every place where it can go." Just think what that would mean. Suppose the law said that the Master Gunners' Coast Artillery Corps should be rated by the commanding officer of the division. That could go under "Master Gunners," under "Coast Artillery Corps," under "Rating Men," under "Commanding General, Division." It should go, too, under "Major General," because only the major general is the commanding general of the division. Now, if for one small statement we have at least five entries, just imagine the size of the index before we got through.

Indexing under every possible subject would defeat the very object of an index, because it would be impossible to find anything, and the index would be so large and bulky it would probably be easier to guess where to find subjects, and hunt around for them.

The plan is absolutely important, too, because in large indexes we must eliminate the personal element. In the case of a small index one becomes accustomed to the idiosyncrasies of the indexer. After studying the work one becomes familiar with it and can guess where anything can be found, and if not found in one place it isn't very difficult to turn to another; but in an index the size of this we will see how such a scheme cannot for a minute be considered, because not only should an index guide an inquirer to existing law, but it should pretty well assure him that a law, which he has perhaps in mind, does not exist. As a practising lawyer, I know very frequently I have a half idea that a statute is on the books which has never reached them. Now, I want to be able, when I turn to an index, to close that index with a definite assurance that there is no such law as I had in mind.

I remember that a former congressman came down to the library in Washington and asked us to find a provision of a law, which he was quite sure existed, that Webster's Dictionary must be the standard in determining the spelling of all words in acts of Congress. It was about the time that Roosevelt had decided to simplify spelling in government offices and in Congress, and our whole force hunted three or four days for such a law, and at the end we were not sure of its existence or non-existence, because there was no comprehensive index. Every volume of the statutes-at-large was indexed in a different way, and if you looked for one head and found nothing it wasn't certain that it might not be under some other head.

In this plan, therefore, it becomes necessary to have absolutely arbitrary rules and compel each indexer to follow those rules. Mrs. Munson, in her article in the April number of the Law Library Journal, mentioned some rules which I had set forth in the American Law Review of November-December, 1909, and I will take up those rules and discuss them to show you the scheme under which the Federal Index, which was the pattern for the New York State Index, was evolved. I might say that the credit for these rules is due in large part to the ability of Mr. Middleton G. Beeman, now of Columbia University. Mr. Beeman has an almost uncanny ability to reach the right result in any problem of indexing, and these were rules which we worked out in Washington, with no precedents before us, and which we found quite practicable.

The first of these rules was this: "The law relating to all of the particular subjects of a class will be indexed under a general subject heading or title." For example, a section in the Revised Statutes says that "any owner who destroys any vessel at sea shall be punished in a certain way." That should be indexed under the title "vessels," not under "steam vessels" or "barges," or any word other than the general word "vessels," because it is a law which applies to all vessels. On the other hand, if a law relates specifically to a certain class of vessels, it should be indexed, not under the general heading "vessels," but under a specific head. Suppose there was a question of keeping certain rules on board steam vessels; that should not be put under "vessels," it should be put under "steam vessels."

Our first rule is to put all general legislation under general headings.

Our second rule is to put all special legislation under special headings.

Under these two rules we have several corollaries. If we have a large and comprehensive index, references should be made from the general title to special heads. For example, under "vessels" should be listed the various kinds of vessels, steam vessels, barges, naphtha launches—anything to which there may be special reference, because an inquirer who goes to this index should look first under "vessels"; assuming him to be interested in naphtha launches; he should find laws relating to vessels which would apply to naphtha launches; he should then refer to "naphtha launches" finding there all law relating especially to naphtha launches. Suppose he looked first at "naphtha launches" and forgot to look at "vessels." He would miss a large part of law which applies to naphtha launches as well as every other kind of vessels. In other words, he would get the specific, but forget there was a general body of law. Therefore, under a special head should be a "See also." Under "naphtha launches" should be a reference, "See also Vessels." So if the inquirer followed these references he would be sure to find all law relating to vessels.

The fifth rule is a little difficult to make clear: "A law dealing with a subject of a general nature, but only as an attribute of, or in connection with, some other subject, may be indexed under the title of that other subject or under its own proper title, as the indexer may determine."

Take, for example, Section 915 of the Revised Statutes of the United States, which refers to attachments made in the District or Circuit Courts of the United States. This does not deal with any special feature of attachments; it deals with all attachments, but deals with them in only certain specified courts. There is a question of the balance of convenience. We index it either under "District Courts," with a subhead, "Attachments"; or put it under the general head of "Attachments," with a subhead "District Courts." This is for the person having the index in charge to determine. I should say it would probably be better to index it under the courts. The average lawyer, who is looking up any question of attachments, is not interested in attachments generally, but in attachments in specific courts. If the head "Attachments" is used, it would be well to refer to attachment under a particular court, stating that court by name.

The sixth rule is that "every title should contain references to guide the inquirer to cognate titles where the usage is not precise or where he is likely to lack technical familiarity."

For example, there are some highly specialized subjects which the average

lawyer does not understand. Take, for example, the four kinds of things which may be done with a United States vessel. You may register it, you may record it, you may enroll it, you may license it. These are all different, but are interrelated. A man may be interested in the question of registering a vessel, but thinking that the proper word is "licensing," he looks under "Licensing" and does not find what he wants. If the index is a good one, under "Licensing" will be found a reference, "See also Registering of vessels." Of course, that is where the art of a good indexer comes in, and there, as you will see, is where a legal training is always a *sine qua non*.

"The indexer must follow the law closely in every particular" is the seventh rule, one of the hardest things imaginable to get an indexer to do. He wants to use his own interpretation as to what it means, and it goes under the head he has selected. Let me give you an example. Suppose that a law read twenty-five years ago: "The executive officer of the Government having in charge matters of immigration shall do so and so." Suppose an indexer should say: "The 'executive officer' means the Secretary of the Treasury," so he puts that under "Secretary of the Treasury." The law didn't mean the Secretary of the Treasury, it simply happened that those two persons being one and the same he would index it under "Secretary of the Treasury." You know what happened. The Department of Commerce and Labor was established. That being so, the index would immediately begin wrong. That law is still a live law, but the index says the Secretary of the Treasury will have charge of it. Again, another change has been made, and the Secretary of Commerce and Labor has lost it to the Secretary of Commerce. The index is inaccurate because the indexer chose to put his own interpretation on the law. There are plenty of places where it is difficult to tell what Congress or the Legislature means without interpreting for one's self.

In going through our Federal Index I gathered a large number of errors that Congress had made, some of which were really very ridiculous. For example, they directed the Secretary of the Treasury to sell the old Chicago Post Office to the "lowest and best bidder."

"Entries," reads the eighth rule, "should begin with the most descriptive or significant word." For example, if there are several entries relating to fees, one of them, perhaps, would read, "Fees should be paid into the treasury"; another would read, "Table of fees should be printed"; another would read, "Fees should be receipted for." It is obvious that the common denominator for all those entries is the word "Fees", therefore, begin them with the word "Fees."

Ninth. "Under any title that an inquirer is likely to look, there should be a reference to the particular title where that subject is indexed, provided there is any provision of law on the subject."

Now, some words are too indefinite, too vague, to be of much use for indexing purposes. Take the word "inspector," for example. I think there are twenty-four kinds of inspectors mentioned in the Federal Index, from inspector of furskins to inspector of furniture in public buildings. A man looking under "inspector" would have a long hunt if everything were put under "inspector," still he might not know where to look if no clue was given him; if we didn't put a provision under the general word so that under "Inspectors" were gathered all the various kinds of inspectors and reference made to the places where they could be

found. If "Inspector of public buildings" it would probably be, "See Public buildings"; if "Inspector of fur skins" it would probably be "See Fur Skins."

The same way with the head "Commissioner." Electric Commissioner and Commissioner of Navigation have not much in common, but people will look for law as to every kind of a commissioner under the head "Commissioner."

Some subjects are of such a general or vague concept that it would be very poor work to index anything under them. For example, take the subject of "Civil procedure." If you put all material on civil procedure under "Civil procedure" half of the index would be there, but still it is necessary to use such places as ports of deposit for the points on civil procedure which a person might have in mind.

Now, these rules I have just given were the rules followed in the Federal Index, and they were criticised. They were worked out by Mr. Beeman; everybody objected to them, at times strenuously, but he had the last word, and finally most of us came to believe they were extremely good rules for a large piece of indexing of that nature.

As to the selection of the personnel for a large statutory index, that is the most difficult problem of all. Both Mrs. Munson and I agreed thoroughly as to one thing, that a law training is absolutely necessary for perhaps two-thirds of the force. Why is a law training necessary? In the first place, there are any number of terms which the intelligent layman, even the college graduate, will not know and understand without a law training. What do such phrases as this mean to a layman: "Proceedings on Appeal," "Interlocutory Judgment," "Judgment Rule"? They mean little or nothing. The chances are he would fail to know they had such an extremely technical meaning as they have, and therefore the index would lose in accuracy.

Second, the lawyer has a great facility, or at least ought to have a certain facility in grasping the meaning of a paragraph of the law when he reads it the first time, because time is, to a certain extent, of course, essential in statutory indexing. In this a lawyer who has had any practice will appreciate much more readily than the layman the importance of a little piece of procedure that to the layman seems utterly unimportant.

I would not say that all the indexers should be lawyers. In our experience we found a number of times that better work was done in the simplest kind of indexing, especially indexing of special acts, by two or three young clerks who had had one or two years in college, than was done by lawyers with both college and law school training.

All of the indexers must have a general education. That sounds like a truism; perhaps, you might not see the importance of it, but if I could tell you the number of trials and troubles we all found in our indexing work from having persons who did not have a sufficient knowledge of affairs in general, you would be surprised. In the first place, it is something of an art, when limited to sixty or seventy words, to frame a smooth reading line. Sometimes the law itself will be awkwardly expressed, but if added to that you have a person who doesn't use English in a fairly smooth way there will be trouble. For example, one indexer always used the word "party" when he meant "person," in a legal sense. Now, to stop and argue with that man and tell him what is the best use of English in a large index

is a tremendous waste of time; one shouldn't be confronted with such conditions as that.

Accuracy, of course, is extremely necessary, but you may be surprised when I say we all agree that accuracy is not the first consideration, by any means. A good reviser, that is, a person who gathers up the titles made by the various indexers and reviews them, will catch most of the errors made by a speedy but somewhat inaccurate indexer. I remember in Washington there were three of us working. I should say X was probably the swiftest indexer, and of the three the least accurate. He would probably average twenty or thirty pages a day and have more mistakes. I was second, with not quite so many mistakes; my wife was the most accurate, but slower. It is natural, of course; it is just like heavy armor against speed. If you have speed you can't have heavy armor. It is a place where an extremely accurate man is in his own way. In Washington we had one man who never made a mistake, but he averaged only two pages a day. He was let go because he never got anywhere. So accuracy, while important, is by no means the most important thing.

Patience, it is somewhat of a platitude to say it, is a virtue. This is a characteristic comment of Mrs. Munson; those who knew her will appreciate it. She says:

"Patience is quite necessary. Law indexing is interesting to a certain extent, but if the novelty wears off, one page is much like another, and unless the indexer has patience he is likely to find it drudgery, in which case one of two things results, either he becomes discontented and sloppy in his work, or he leaves, and you have the trouble of breaking in a new workman. For this reason, that patience is an asset, women having the other qualifications are likely to make good indexers, since they have been trained to think, at least, that patience is a peculiarly desirable quality for women."

Keen and swift perception—I have already alluded to this by saying that we need lawyers to accurately grasp what a section means. By this I mean a person who will read a paragraph over and get the gist of all law in it. In one sense what we want is only a superficial knowledge of the section, we do not want any hair-splittings. Young people just out of college who come in and waste half a day in determining whether the Legislature had some peculiar, occult meaning in a section are not of much use. After all, one must get ahead, one must take the fairly clear meaning.

The last desirable quality necessary for a good indexer is what may be described as "vision." In other words, you must have people who, when they sit down with the law before them, will be able to think of the various ways in which that law would appeal to various classes of inquirers, and not be deceived by the difference in form between laws which often times mean the same thing. Let me illustrate. I take at random Section 4177 of the United States Revised Statutes:

"The Secretary of the Treasury shall have power under such regulations as he shall prescribe, to establish and provide a system of numbering vessels so licensed, registered and enrolled, and every vessel so numbered shall have her name deeply carved or otherwise permanently marked on her main beam, and if at any time she shall cease to be so marked, such vessel shall be no longer recognized as a vessel of the United States."

Think of the various angles from which a fairly simple section can be considered. We would want an entry under "Secretary of the Treasury," because it is one of his powers, so you will find in the index an entry under "Secretary of the Treasury" drop "Registering of vessels"; drop "Numbering of vessels." The word "drop" is used in indexing to indicate subheads. Then we want a line under "Vessels" with some such subhead as "Name," and there references to registered, enrolled and licensed vessels. Now, it is not absolutely necessary that this go under "Vessels," because it refers only to specific classes of vessels, "Registered," "Enrolled" and "Licensed," but under "Vessels" that would give a clue right away. If we are not going to put it under "Vessels," and make a reference to registered, enrolled and licensed vessels where this provision of the law would be found, some one will look under "Vessels" and determine that there is no such law. So there should be the three places, "Registering of vessels," "Licensing of vessels," "Enrolling of vessels," where the actual title is used.

My remarks have been fragmentary, as I said they would be in the beginning. I wish Mrs. Munson could have been here, because in the last few years she had gotten to be far more expert in her chosen field, and I think could have pointed out to you in a way that I simply can not, the necessity of having statutory indexing done by trained minds.

#### DISCUSSION.

Mr. Cheney: I would like to ask Mr. Munson whether practically, in making an index, the distribution of tentative letters to librarians and lawyers ever results in any valuable suggestions. I know that when the Federal Statutes were indexed such a letter was sent out, and I think the same has been done at this time in New York, and I wonder whether we librarians and others interested in such things ever make any valuable suggestions to those who have worked out the plan.

Mr. Munson: I understand that some extremely valuable suggestions have come to the New York work, and I know we had perhaps fifty suggestions that were used in the Federal work.

Mr. Willever: I am glad to pay a tribute to the New York work. I went over portions of that Index, and I suppose many here did the same, and I was amazed and pleased at the keen vision which those people seemed to have as to how users of the Index would approach it. I was astonished to find all sorts of ways of approaching the law, which were taken care of in the Index. It must be hard, tiresome work, sometimes even drudgery, and I think an expression of appreciation is due the indexers.

## AUSTRALIAN LAW REPORTS, OFFICIAL AND OTHERWISE\*

F. E. CHIPMAN

The judicial history of Australia may be divided into two periods: from 1823 until January 1, 1901, when the colonies of New South Wales, Victoria, Queensland, Tasmania, South Australia and Western Australia became states in the Commonwealth of Australia; and since the federation.

It seems to me wise to consider the law reports of each province up to the time of the Commonwealth, because the various Supreme Courts were, until then, courts of last resort from which an appeal could only be taken, under certain conditions, to the Privy Council of England.

We will take up each province in the order of its creation.

### NEW SOUTH WALES

In 1770, the name of New South Wales was given to the eastern part of the Australian continent, its territory including the present states of New South Wales, Victoria and Queensland. From 1788 to 1823, the colony was under a military government suited to the circumstances of a penal settlement. In 1823, the civil government was created, with a Governor and Legislative Council appointed by the Crown. In 1855, a full responsible government was inaugurated by a Constitution Act.

The Supreme Court of New South Wales was constituted October 13, 1823, and its constitution was further regulated by the Australian Courts Act, 1828.

From July 25, 1828, all laws in force in England, not inconsistent with any Charters, Letters Patents, or Orders in Council, were applied to the Colony, by statute, 9 Geo. IV, c. 83.

#### *New South Wales Reports*

The reports of New South Wales seem to have always been prepared and generally published by private enterprise. If an incorporated law society exists therein, it seems to have exercised no control over any series of reports. With one exception the publication has been by private enterprise. In some of the books we see references to "authorized decisions," but to me this term means that the judges rendering the decisions consented to their publication. There seem to be no official law reports here, as we understand that term.

From the foundation of the Supreme Court until 1862, the majority of the cases decided, during that period, were well reported by able barristers-at-law, in the Sydney Gazette, the Sydney Herald and other newspapers.

#### *Equity and Reserved Judgments*

A few of these cases were reprinted from the Sydney Morning Herald and published at Sydney, in 1846.

This volume is known as "Reserved and Equity Judgments, Supreme Court, New South Wales." It is a quarto of 188 pages and exceedingly rare. Except for the copy in the Harvard Law School library, I know of no other copy in the United States.

\* Read at the Eleventh Annual Meeting of the American Association of Law Libraries at Asbury Park, N. J., June 28, 1916.

*Selected Cases, 1825-1862*

In 1896 the Government of New South Wales published a two-volume work, compiled by J. Gordon Legge, entitled "Selection of Supreme Court Cases, New South Wales, 1825-1862." It is a work of more than 1,600 pages and contains some 300 cases, originally reported in the various newspapers mentioned above, and selected because they dealt with the applicability of English statutes and common law principles to New South Wales.

*New South Wales Reports*

In 1862 a regular series of reports of decisions of the Supreme Court was started. The decisions have been regularly reported since then.

The first set consists of 14 volumes, is called the New South Wales Reports, and covers the period from 1862 to 1876. The publishers were booksellers in Sydney, the reporters were various barristers, evidently employed by the publishers. In volume 14 however, were included some cases decided during 1875 and 1876 that were originally reported in the *Sydney Morning Herald*.

The reports for 1877 were reported by George Knox. The publishers abandoned the volume numbering and the volume is known by the reporter's name.

The reports for 1878 and 1879 were styled Supreme Court Reports, new series, volumes 1 and 2, the reporters being George Knox, Harvie Linklater and G. H. Fitzhardinge.

In 1880 a new series under the name of the New South Wales Law Reports was started. Twenty-one volumes were published until 1900, when the province became a state. These reports covered the decisions in law, equity, probate and divorce and admiralty causes. The reporters were all barristers-at-law, evidently employed by the publishers.

While none of these reports are what we would term official, they were undoubtedly authorized, and important opinions were probably frequently revised by the judges rendering them, before they appeared in print. This is the usual custom in the English possessions where there are no official reports.

*Collateral Reports*

In 1881 a series of "Term Reports," usually called Tarleton's Term Reports, was commenced. In form it is a quarto, the printing being in double columns. Twelve numbers were issued at the close of the terms in 1881, 1882 and 1883, covering 184 pages of text. A title page and table of cases reported, was published. A few cases are found herein that are not reported in the regular series. These cases are of the character found in the Weekly Notes which are mentioned later.

*State Reports*

In 1901, New South Wales, having become a state in the Commonwealth, a new series of reports known as the State Reports, was commenced, which are now current, volume 15 having been completed and is now in transit to the United States.

These reports contain not only cases decided in the Supreme Court of New

South Wales, but include appeals to the High Court of Australia and Privy Council.

#### *Miscellaneous Reports*

*Weekly Notes*.—In 1884 a series called New South Wales Weekly Notes was started and is still current, volume 32 having just been completed. These are usually supplied in bound form on the completion of the volume, though they are issued in weekly parts. The cases reported in this series are not usually found elsewhere.

*Bankruptcy Cases*.—The New South Wales Bankruptcy Cases began in 1890 and 9 volumes were published, containing the cases decided up to July, 1899. The series was discontinued because on January 1, 1901, bankruptcy and insolvency matters came under federal jurisdiction.

#### *Victoria*

In 1850 the Legislative Council of New South Wales was authorized to set off certain territories within the district of Port Phillip, in which the town of Melbourne was situated, and form the Colony of Victoria. The restrictions on the powers and functions of its first Legislative Council were similar to those of the councils of New South Wales, Van Diemen's Land (Tasmania) and South Australia, which were constituted by the same Act. The Victorian Constitution Act was passed in 1855.

The laws in force in New South Wales on July 1, 1851, were continued upon the separation of the Colony.

The Supreme Court of Victoria was established January 6, 1852. The Act establishing the court provided that any action then pending in the Supreme Court of New South Wales for the district of Port Phillip, should be heard and determined in the Victorian court without alteration. Until the new judges were appointed the resident judge of the New South Wales court acted as a judge of the Supreme Court of Victoria. This resident judge was William A'Beckett, who became the first Chief Justice of the Supreme Court of Victoria.

#### *A'Beckett's Reserved Judgments*

The judgments rendered during the years 1846 to 1851 were published in pamphlet form from 1847 to 1853, undoubtedly by private enterprise. The sets that came into the market were collected and bound and called "A'Beckett's Reserved Judgments." They have always been catalogued with the Victorian Reports. The reports for 1846 are called "Judgments of the Supreme Court of New South Wales for the District of Port Phillip." No preface is published with any of the parts and no particular information can be gleaned from the title page. The parts were printed at local newspaper offices. The reports from 1847 are entitled "Reserved Judgments." For the years 1847 to 1850, they were published from the judge's notes by his clerk, R. W. Shadforth. The reports for 1851 were edited by M. T. McDonogh. I have a memorandum to the effect that these are to be cited as "Shadforth's Reports," but I cannot now find my authority therefor.

These reports have always been scarce, but a few original copies have been secured by our libraries. In 1907, a facsimile reprint was made in Germany, for

a London dealer. A few copies were sent to the United States, one of which came to my hands, and I saw at once that it was a facsimile reprint and had been made from a copy that was not quite complete, the index of 11 pages, following the text of the reports for 1849, being omitted. This is the volume found in the majority of libraries though at least ten original copies can be found, though I doubt if they are all complete as to indices.

#### *Williams' Practice Cases*

In 1907, there was turned up a small volume, the title page to which reads: Reports of Practice Cases Argued and Determined in the Supreme Court of New South Wales, for the District of Port Phillip, during the year 1846, with Notes. By Edward Eyre Williams, Esq., Of the Inner Temple, Barrister-at-Law. Vol. I Melbourne: Printed by William Clarke, "Herald" Office. 1847.

The volume is complete in 34 pages, which includes title, table of cases, preface and text.

I was informed of the existence of this volume by the editor of the Australian section of the "Commercial Laws of the World." Shortly afterward we received from our Melbourne correspondent an interleaved set of A'Beckett, and bound in it at the end was the only copy of Williams I had ever seen. This copy is now in the Harvard Law Library. As far as I know there is no other copy in existence. Mr. Maxwell, in his excellent catalogue of British and Colonial Law Reports, lists this item under Victoria, but makes no note on it, which leads me to think he had not turned up a copy.

#### *Victorian Reports*

Cases decided by the Supreme Court of Victoria have been regularly reported since 1861, except for a lapse during the years 1873 and 1874, the two volumes covering the period of 1861 to 1863 being entitled Wyatt & Webb's Reports, the six volumes covering the period from 1863 to 1869 being called Wyatt, Webb & A'Beckett's Reports. The Victorian Reports, three vols., cover the period from 1870 to 1872. Volume three, at least, was published in parts as only two numbers of that volume were issued.

The current series, called the Victorian Law Reports, began in 1876 and were first published in quarterly parts. From 1876 to 1904 vols. 1 to 29 were published, but beginning with the volume for 1905 the mode of citation was changed to (1905) V. L. R., which form is still in vogue. This series from the beginning has been published under the direction of the Council of Law Reporting for Victoria. Since the formation of the Commonwealth the cases reported include appeals to the High Court of Australia and the Privy Council.

#### *Collateral Reports*

Cases have apparently always been reported in the Melbourne Argus. Mr. Maxwell in his catalogue mentions Argus Notes of Cases (9 parts) 1869. I did not know of such a publication.

In 1895, a series called the "Argus Law Reports" was published by the proprietors of the Argus; vol. 22 is now current. It is a quarto, printed in double columns, and published fortnightly. The cover pages of the first eight numbers

of volume 1 must be preserved and bound with the volume to make it complete. In connection with this series is published "Current Notes," containing matters of temporary interest. These reports cover a wider range than the regular series. They report not only the cases in the High Court and the Victorian Supreme Court, but cases of local interest determined by the nisi-prius courts throughout the state, that are sent in to the editors by local practitioners interested therein.

#### *Miscellaneous Reports*

*Victorian Law Times and Legal Observer*—This is a quarto set of two volumes, and the cases reported therein cover the period of 1856 and 1857. These cases do not seem to be reported elsewhere. As the publication contains miscellaneous legal matter it cannot be catalogued as a regular set of reports prior to Wyatt & Webb. This set is now very scarce. There are at least three sets in the United States which were secured through our company, and possibly other sets may have been secured from some of the London dealers.

*Australian Jurist*—This set consists of five volumes, covering the period from 1870 to 1874. The first two volumes are in folio, the other three in quarto. This set is found generally in all the libraries having the Australian reports. Sets are not particularly expensive, and can be secured with but little delay. This set contains miscellaneous matter and the cases are reported generally in an abbreviated form.

*The Australian Law Times*.—This series began in 1879 and is now current. The publication is in two parts. The Law Times, containing miscellaneous legal information, is in a large quarto form and is bound separately as a legal periodical in a few of the libraries. The Notes of Cases are in a smaller quarto form and this is the set usually found in the libraries. The first six volumes are out of print and complete sets are getting quite difficult to find. Volume 37 is nearly complete. Supreme Court cases are occasionally reported but usually those included are Chambers, Practice, Insolvency and General Sessions Cases.

#### *Queensland*

Moreton Bay was not discovered until 1823, and the Moreton Bay Settlement was formed from New South Wales in 1824. It was separated from New South Wales on December 10, 1859, when it became a separate colony, under the name of Queensland.

The law of New South Wales, in force when Queensland was separated, was continued in the new colony. Its judicial system somewhat resembles that of New South Wales, but the procedure of the Supreme Court is modelled on the Judicature Acts instead of the Common Law Procedure Acts.

#### *Queensland Reports*

There were no authorized reports of the decisions of the Supreme Court, from the foundation of the Colony to the year 1876. Many important decisions were given during that period, and were reported in the Brisbane Courier and the Government Gazette. From 1898 to 1903, the Queensland Supreme Court Reports, in five volumes, covering the period from 1860 to 1880, were published. This series embraces the leading judgments delivered during the period covered,

selected with a view to their present value. The compilers had access to the files of the Supreme Court, the Judge's note-books, and had permission to use the reports in the newspapers, making the reports as accurate as possible.

*Queensland Law Reports, Vol. I.*—The cases decided during 1876, 1877 and 1878 were reported under the direction of the Queensland Law Society, and edited by Beor. The reports are now usually called Beor's reports rather than the Queensland Law Reports, vol. I. The volume consists of a pamphlet for each year, paged separately and with its own index. The more important cases therein are reprinted in the Supreme Court Reports.

*Queensland Law Journal and Reports.*—In 1881 a proprietary series under this name was started, reporting the cases from June 1880. To cover the gap between Beor, and the new series, the reports for 1879 were published in an appendix to volume 1. The first volumes were issued as quartos. They contain reports of cases decided in Chambers and in the Circuit Courts as well as the Supreme Court.

*Queensland State Reports.* Beginning with 1902 the decisions of the Supreme Court were published by the Law Journal Company, for the Council of Law Reporting, under the title State Reports, Queensland 1902, and have since been continued, to be cited by year instead of volume number. These are issued in parts. Published with the parts of the reports are the Queensland Weekly Notes, also under the authority of the Council of Law Reporting. They are republished at the end of the year in form for binding with the State Reports, and are placed at the end after the index to the reports. Noted cases of permanent interest are later reported in full. The notes are referred to as Queensland Weekly Notes, preceded by the year, and followed by the number of the Note, thus—1906 Q. W. N. I.

*Queensland Criminal Reports.*—This volume covers the criminal cases from 1860 to 1907, reprinted from the Supreme Court Reports, the Queensland Law Journal and State Reports, with annotations showing what cases have been overruled, followed, etc., and with references to the Criminal Code. This was published in 1913.

#### *Periodical Reports*

Mr. Maxwell in his catalogue refers to a current publication called the "Queensland Law Reporter and Weekly Notes," of which six volumes were published from 1908 to 1913. I can give no detailed information about this set as I have not had an opportunity to examine it.

*Queensland Justice of the Peace and Local Authorities Journal.* This is a monthly publication which began in January 1907. Volume 10 is now current. Each part contains the Journal and Reports paged separately. At the end of the year separate title-pages, table of cases and indices are furnished. The cases reported are generally nisi-prius cases, but some of them are followed into the High Court.

#### *South Australia*

South Australia was established as a British Province by Statute in 1834, but was not proclaimed as such until 1836. It became a Crown Colony in 1841.

After various changes in the constitution responsible government was established in 1857.

The common law of England on the day when the Colony was proclaimed to be a British Province became, so far as applicable to circumstances, the common law of the Colony. The Province was expressly exempted from laws enacted before that date in any other part of Australia.

#### *Law Reports*

The decisions from 1865 to 1892 were published in one series. The reports for 1865-66, in one volume, are known variously as Pelham's Reports, or as vol. "O" of the South Australian Law Reports. This volume was reprinted in 1906. From 1867 to 1892 the volumes are called South Australian Law Reports, volumes 1 to 25. A number of these are now out of print. It is reported that some have already been reprinted. Beginning with vol. 18 the reports were published under the direction of the law society.

There are no published reports of the cases decided during the years 1893 to 1898 inclusive.

The cases decided during 1899 and 1900 were published under the direction of the South Australian Law Society. These reports were not issued in parts.

For some reason no further reports were published until 1905, when the cases decided during 1904 were published, also under direction of the Law Society. Ten years ago or more we were told that the publication of the reports for 1893 to 1898 was being considered and that those for 1901 to 1903 were in preparation, but they have not yet appeared, nor have they been announced.

There are fewer sets of these reports in the United States than any of the other Australian reports. They have always been scarce and the price has been high. The early volumes have long since been out of print and recently some of the later numbered volumes have also gone out.

#### *Tasmania*

Tasmania was first called Van Diemen's Land. It was formerly attached to New South Wales. In 1803 a convict settlement was formed on the site of the present capital of Hobart. It was constituted a separate colony in 1825. In 1853 the transportation of convicts was abolished and its name was changed to Tasmania, after Tasman, who discovered the island in December, 1642. Responsible government was granted in 1855.

The law of England on July 28, 1828, was made applicable to the colony by statute. The same statute provided for the formation of a Supreme Court. It possesses the jurisdiction of the English common law courts. Its jurisdiction, generally, is similar to that of New South Wales, but by the Legal Procedure Act, 1903, the principles of the English Judicature Act have been introduced, and law and equity are administered concurrently.

#### *Law Reports*

The reports of cases decided from 1856 to 1896 were published in various newspapers printed in the island, generally in the Mercury, though some cases

appeared in the Launcestan Examiner, the Tasmanian News and Daily Telegraph. These reports, or summaries of them, were collected by L. S. F. Hore and published in 1897. Though called Hore's Digest, the work more closely resembles a volume of reports, and may properly be called the first of the series of Tasmanian Reports, as the cases found therein are not available in any other form. It has long since been out of print and no copies have turned up for several years.

In 1905 the preparation of the reports of cases from 1897 to 1904 was undertaken. These were completed in two volumes, published in 1906 and 1907 respectively. They are generally known as Nicholls and Stops Reports, after the editors. Volume 1 contains the cases for 1897 to 1899, with some of those for 1900. Volume 2 contains the remainder of the cases for that year and for 1901 to 1904. The editors had to depend largely on press reports, but as nearly all the judgments reported were written, the judges' manuscripts were used for verification.

From 1905 there has been a regular publication of the judgments of the Supreme Court of Tasmania, with the consent and under the supervision of the judges. The reports are entitled the "Tasmanian Law Reports." They are published in two parts, the first part containing the judgments from January to June, the second part containing the remaining judgments with the title-page, preliminary matter and index for the volume. Ten volumes to the end of 1914 have been completed. The second part of volume 11, up to this time has not been received.

Volumes 1 to 3 of this series have gone out of print and there is not any immediate prospect of a reprint.

#### *Western Australia*

In May 1829 England took possession of the territory, and during the next month the Swan River Settlement was founded. The first statute, in which the name Australia was used in reference to the continent, is the one applying to Western Australia. In 1850, on petition of the inhabitants of the colony, it became a penal settlement and convicts were sent out until 1868. In 1870 a Legislative Council was formed and responsible government was granted in October 1890.

The common law of England was introduced on the formation of the colony in 1829. The Supreme Court administers law and equity concurrently, as under the Judicature Act in England.

#### *Western Australia Law Reports*

This series was commenced by private enterprise in 1898 and a regular series of reports has since been published at the rate of one volume a year. Volume 17 has just been completed. The early volumes consisted of two parts, but for several years three parts have been issued annually. The supply of the early volumes is getting low and they will probably soon go out of print, if they have not already done so.

#### *Commonwealth of Australia*

The Commonwealth came into existence on January 1, 1901. It is com-

posed of the states of New South Wales, Victoria, Queensland, Tasmania, South Australia and Western Australia. The Commonwealth Parliament is authorized to admit new states and to make laws for the government of any territory surrendered by any state. Papua, formerly British New Guinea, was first a dependency of Queensland, but is now under the direct control of the Commonwealth and is known as the territory of Papua. In 1863, what is now known as the Northern Territory was annexed to South Australia. This lies between Queensland and New South Wales on the east, Western Australia on the west and north of the 26th parallel of south latitude. It was surrendered by South Australia to the Commonwealth and has been constituted as the Northern Territory. There are no reports published of the judgments of the courts in these two territories.

Under the constitution, every law in force in the colony continued in force in the state, when not inconsistent with the laws of the Commonwealth.

The judicial power of the Commonwealth is vested in a Federal Supreme Court, called the High Court of Australia, and in such other Federal Courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction.

The only federal court as yet constituted is the High Court of Australia. Appeals from the judgments of the state Supreme Courts are taken to the High Court.

#### *Commonwealth Law Reports*

These reports are advertised as the official records of the High Court of Australia. They are said to be the only reports containing all the decisions of that tribunal, and their accuracy is guaranteed by the fact that the judges personally revise all proofs. The first decisions reported were delivered in 1903.

These reports have always been published in parts. At first the plan was to have one volume a year but the reports for 1907 were so bulky that volume 4 was divided into two books with separate titles and indices. Beginning with volume 5, a volume was completed whenever the printed decisions would make a book of from 800 to 1,000 pages. Volume 20 is now current. These are proprietary publications and the various reporters are evidently engaged by the proprietors.

Hunter's Torrens Act Cases are usually catalogued among the Australian reports, though the volume contains cases decided by the Courts of England, Australasia and Canada, and was published in Canada, in 1895.

#### *Conclusion*

In this brief sketch I have confined my attention entirely to the publication of the decisions of the law courts. We have noticed the use of the term "authorized reports" and in one instance have mentioned official records, but to my mind all these various series must be classed as unofficial reports as we, in the United States, understand that term.

Nowhere can I find a statute providing for the appointment of an official reporter, or a statutory provision requiring the judge to file a written opinion, which shall be a part of the record of the case. As English judges were ap-

pointed, in the beginning, by the Crown authorities in England to go out to Australia to assume judicial positions and the early barristers were generally also out from England, the English custom of reporting was followed. As these reports we have mentioned, have been accepted as authority by the Australian Courts, they are to all intents and purposes official.

It is interesting to note that of all the British possessions, in Australia, alone, has the Common Law of England been retained, uninfluenced by the Roman-Dutch law or native customary law.

**LIBRARY BY-PRODUCTS\***

BY JOANNA GLEED STRANGE, New York City Public Library

Not so very long ago there came into a certain library reference department, a tall, white-haired, sharp-eyed, business man. He stated his wants and while waiting for his books, he explained that this was his first visit to the library. He had never come before because he had books enough in his own private library. But today he wanted some specific information, having to do with oil fields in a certain country, which he had been unable to find. It was the library's indexes and system he really wanted more than the books or magazines, he said. The books he could buy if necessary, when he knew what to buy.

The reference work being "slack" just then, and the assistant friendly, he continued to talk. The only other public library he had ever used was one in a small town in New England, twenty years ago. It had been in charge of the milliner. He smiled as he looked about the big room, with its card files and rows of labeled books. "There's certainly a difference! She kept the library all mixed up with the hats and feathers, and sometimes you had to wait for your book till she made change for Mrs. Jones, or sewed the daisies in with the lilacs on Jennie Smith's Sunday bonnet. I wasn't a business expert in those days and it didn't bother me," he laughed. "Now my job is applying modern business methods to old fashioned firms. Some time I am coming in to check up this library and see if my rules apply here as well as to Armstrong's factory over the way. It would be an interesting experiment."

I don't know whether he ever came, I do know he was using in his expert work many library methods, whether he realized it himself or not. And I also feel sure that if he came to us with his business tests, most of our libraries in spite of their modern methods and trained workers, would fall short—for there is not enough business organization in our libraries today. If it were possible to rate all of our processes in dollars and cents, we would find, I am sure, a staggering amount of funds wasted. Because we cannot see our profits and losses, in the actual "coin of the realm," because we cannot balance our books and know our exact standing there is much that is wasteful in our methods.

Now suppose, for argument, our libraries were commercialized. Suppose every library had a rival or two or three in town, each working to "sell" more of its stock in trade than the others. What would happen? Our library buildings would cease to be, as is too often the case, architectural wonders only, whether viewed from the outside or the inside. The business house desiring to grow and succeed, builds with an eye to the comfort of its patrons, and the library desiring the same progress, must be one whose accessibility is all it should be, whose elevators always run, whose clocks are in sight, whose telephones are available to the public, whose book carriers are to be depended upon, whose catalogues are convenient and whose stock is arranged for speedy distribution. It must have a building with room enough and light enough and heat enough and quiet enough, and with all these, rest rooms and lunch rooms and writing rooms for its readers, besides sufficient stock to sell, with salesmen who know the business and have the ability to read the minds, characters, tempers and peculiarities of their patrons.

\* Read at the joint meeting of the American Association of Law Libraries and National Association of State Libraries at Asbury Park, N. J., June 29, 1916.

If our libraries were managed on an efficiency basis there are many things we would do besides make our buildings more convenient. We would apply more business sense to our book stock. The smaller libraries would buy better. They would borrow more from state libraries and library commissions. They would make better use of available documents. They would make the most of their records. They would advertise systematically. They would employ with a better eye to the selling ability of their employees. They would "speed up" in many ways, and they would utilize their *waste*, forming therefrom such by-products as would double their own output. And it is about these by-products, or waste-products I want to talk.

Not so very long ago, I heard a librarian, speaking of advertising, say, "I don't believe in it. It's too commercial. Libraries should not be put on that basis. They are different." The library system as it is, seems quite satisfactory. Why change? Why are they different? Churches advertise. Boards of health advertise. Why should libraries arbitrarily do just as they always have done? Her reason why reminds me of a small boy's reason for believing in peace. He came to the library for material on a debate against war and he was so insistent himself that peace was right and war and preparedness for war were wrong, that the children's librarian said to him, "I believe as you do, Henry, that war is wrong, but what have you against preparedness? Why do you not believe in it? What is your reason?"

"Well you see," Henry explained eagerly, "It means a great lot of tiresome old training and obeying some one else and all that, and if a feller's nose itches, he's just gotta stand there and leave it itch. He dasn't scratch. You bet I believe in peace."

Perhaps there are other librarians who would say they do not believe in business organization in libraries. Perhaps there are some who believe that as their libraries are being administered now all their wastes are being utilized. But, it seems to me until cooperation between libraries is a science, not just a word with a vague meaning, until we create library visions that reach beyond the obvious work right under our noses, until we apply business sense and methods in utilizing our waste, it is impossible that there can be the full development of our by-products. One library can accomplish but little alone.

Not being on a dollars and cents basis, not having the stimulus of actual competition, we are slower in realizing our losses. We reckon our profits by circulation, by the proportion of classed books to fiction our clients use, by the quality of readers we are able to draw to our libraries, by their satisfaction in what they receive, by our reference statistics and by our *feeling* that we are making things grow. We are very prone to keep on year after year, satisfied with a normal increase in readers, now and then adding some special line to our goods, and always bewailing the fact that there is not enough money for more branches, more stations, and more assistants. To grow, libraries, like everything, must outgrow. It would be too bad to be satisfied.

But meantime why not take stock of possible by-products? There is not a big manufacturing plant today that does not direct its greatest energy toward conserving and utilizing its by-products, for these bring in the greatest profits. What are by-products? "By-products" may be defined as "those materials which in the

cultivation or manufacture of any given commodity remain over, and which possess or can be brought to possess a market value of their own." By-products or waste products then for libraries! What are some of them? What do we make of our *waste material* which will bring more patrons to our libraries?

First there are our extra newspapers and magazines, pamphlets and timely reports and documents which may be turned into clipping collections instead of being dumped; picture collections may be made from these same waste materials, by-products from which most libraries are already realizing big returns.

There are our duplicates collections, waste material, because unused. Is there any reason why every library in a state should not send a list of its duplicates to the state library, and a systematic, not a desultory, exchange be made, first within the state, and then an interstate exchange? There is no library of any size at all without duplicates which are not used. Duplicate documents, especially city and state documents, are often very valuable and hard to find. Why not turn this "waste" into a profit?

What about that growing collection of pamphlets behind the door on the floor of the work room, not duplicates, mind you, but forming a library white elephant, scorned because no one is quite sure how to treat them. And all the time that the dust is gathering on the pile—it probably contains *just* the report you are borrowing from your state library for the use of the city engineer—or perhaps that little American Federation of Labor pamphlet giving the officers of all the federated trade unions, which information you have been quite unable to find elsewhere. I wonder why this unkind discrimination against pamphlets? It seems to be a universal feeling. I was told not long ago, that a certain group of branch librarians, ordering for their libraries directly from the books and pamphlets before them at their book meetings, rarely chose a pamphlet. All I can say is that they are wasting some of the best material available on live subjects of every kind.

What about collections in your town, wasted because not used, which the library might have for the asking, or as a result of a little diplomatic coercing? I know of one man who had a valuable collection of municipal documents, which he had used in his work at one time. There was no chance of their ever being useful to him again, and just two days before the city librarian dropped a hint that the library could make good use of them, he had had them sent to the furnace. What a waste! In this case perhaps not quite as wasteful as it might have been, for the man, interested in the fact that the librarian was "up and doing" enough to know who owned such a collection and to ask for it, made a first visit to the library "to see what it was like, anyway," and has been coming ever since to use its reference materials. More than that, he sends other business men who, like him, "didn't know the library was anything but a place to get books to read at home."

It might, perhaps, even pay the larger libraries to employ special agents whose chief duty it would be to act as scouts—on the lookout for anything of value to the libraries. Probably if he were the right kind, such a scout would save his salary many times over each year, through the additions to the library's stock, and by the number of clients he could interest in the library's resources.

The waste in the city and town libraries, which comes of not utilizing to the fullest extent what is offered by the state libraries and the library commissions, it

seems to me must be great. The waste in not realizing the facilities of the Library of Congress is also worth considering. In a business house, when a salesman receives orders entirely out of his line he refers them to the head office or the department which handles the special commodity. Sometimes they go to the factory. In like manner we should refer requests not in our line to the state library, the library commission, the Library of Congress, or wherever they can best be handled.

One must be sure, of course, that the waste is worth saving. The librarian who saved for years all the used penpoints—thousands of them—thousands, too, of pencil stubs less than an inch long, box after box of used book clips, and hundreds and hundreds of dirty book covers, till the cellar of the library was filled with these choice collections, may have had some idea of turning them into something useful some time. But she died without imparting her scheme to anyone. The librarian who followed her and found a complete set of St. Nicholas in tatters because it had never been mended, felt, naturally enough, little sympathy for the saving propensities of her predecessor.

There are no end of waste materials which might be turned into products, but there are other wastes too. There are "waste assistants." Few, very few, librarians will admit having enough assistants, but many librarians have waste assistants. There are those who are doing library work who are totally unfitted for it—total waste. No business man would continue to employ such material year after year. There are those who are doing one kind of work poorly, who when tried out in other kinds, make good. I know of an assistant, an educated foreigner, who was kept on routine work for years. She did it indifferently and she was an unhappy, discontented element in the catalogue room. It happened that an evening assistant in the reference room was ill one time and this girl was put in her place as a last resort. What happened? An assistant so alert, so interested that she never went back to the routine job, valuable because of her knowledge of languages, an indefatigable worker, pleasing to the patrons of the library. A paying by-product, found through an accident.

Then there are librarians with visions, those who are able and willing to do much more than they are permitted to do, either from the ignorance or lack of vision of the powers that be. Here is waste indeed. Often these people are real captains, ready to sacrifice everything to the development of big ideas, bound hand and foot to small things. Like the mill with its power turned on and no grist to grind, the machinery is weakened and the whole plant suffers. Waste again! Until every assistant is contributing definitely to the progress of the library, until his work shows the minimum of waste, we are not efficient plants.

And here, as in factories, comes the idea of welfare work for employees—medical inspection, rest rooms, air, light, recreation clubs, and classes. One time in Pittsburgh I went to one of the big department stores to find out about their welfare work. I explained to their manager what I wanted and why, and I was courteously told that they would be delighted to show me their club rooms and tell me their plans, if I would not write them up. "We pay our clerks decent salaries," he said; "we do these things for them in no way to advertise the store. It's plain business with us. It's common sense that the clerks who are comfortable mentally and physically will do better work as salesmen, and the better edu-

cated and cared for they are the better it is for us. To put it frankly," said he, "we are doing this for business reasons. We want our clerks to feel an interest in the store and be free to give us suggestions. It's good for them and therefore good for the business."

Exactly. It's good for every library to have its employees comfortable, physically and mentally. It is good for every employee from the pages and janitors up, to feel a personal interest in the library. I remember being told in Albany that the very effective and usable classification and arrangement of the "Granger" collection was invented by a page. I know of some excellent short cuts, among the many not so good, which pages have worked out. Why not have a "suggestion day"—let every library employee contribute his ideas, and see what happens? Some unusual, and so far unknown, by-products might be developed in this way.

Another library waste which I feel very strongly would not be tolerated in most business houses, is waste work. There is so much of this kind of waste that one wonders at it. Take routine work, for instance. There is no getting around the fact that a great deal of it is necessary. Cards must be filed, shelves must be read, and fine postals written. But with the typewriters and duplicating processes available, is it necessary still for even small libraries to have catalogue cards laboriously copied by hand? Should intelligent human beings have to cut books and magazines by hand hour after hour, when a cutting machine can do the work in a fraction of the time? As for schedules, think of the time spent in every library on schedule making! A business house with the same problem would compile a book of schedules, collecting every conceivable arrangement, indexing the whole elaborately, and so save at least some of this schedule making time for other business. This schedule book might be a short cut, not usable always, perhaps, without adapting, but helpful nevertheless. And I wonder if it has ever been proven that the hours and hours spent in "collating" new books pays in the long run.

Probably no end of routine work could be avoided if all our work were scrutinized from a business viewpoint. But the waste in routine work, I am sure, is not so great as is the waste in so called "Busy work,"—jobs to fill in odd moments. If these jobs actually contribute to the library efficiency, all very well and good. But so much of this "busy work" is totally and absolutely unnecessary—admittedly so. "Why," a librarian was asked one day, "must those young women sit and erase numbers from cards? They look like intelligent girls." "Oh, yes, they are," she answered, "They are from the apprentice class—doing practice work. We save those cards all year for them to erase during times when it is not busy. They *must* do something you know."

Fine experience for them, wasn't it? The visitor having no library traditions suggested that it might be more profitable in the long run for these apprentices to read during slack time, since books were to be their stock in trade. But the horrified face of the librarian, as she explained haughtily that "it was against the rules to read in library time," sent the Philistine away with opinions of her own on the subject.

"Busy work" of this kind is degrading. A man once stopped at a big farm house and asked for a job. The gentleman farmer looked him over and said he might move the pile of rocks on one side of the road to a place on the other side. Glad of the chance for the work, the laborer asked no questions, but took off his

coat and got busy. In half a day the job was finished and he sought out the farmer to know what next to do. "Got that done?" said the farmer laconically, "Well move 'em back again." Is it any wonder that the workman left? Would he not have been a pretty poor specimen of manhood otherwise? Just as senseless is this "busy work," most of it, especially since those who are given it to do are the very ones who need to know the books they handle, especially since there are so many things—useful things—which are crying to be done, and the doing of which adds considerably to the efficiency of the library and at the same time stimulates and educates the assistant. There are, for instance, the many sets of periodicals, unindexed. There are many, many volumes on our shelves to be analysed. There are bibliographies to be checked and clippings to be classified, and then there is always that pile of pamphlets behind the workroom door! Even if the white elephant should trumpet at her and tramp on her and shake the dust of years upon her, the assistant will be much better off associating with him than she is spending hours of the library's time on useless "busy work."

And why this fetish that librarians should not read? Is it because we are afraid we will be criticised by the gentle public? Then the public should be educated differently. Is it because we are afraid our assistants will abuse the privilege? Then we should get other assistants. The girl at the desk on a dull evening need not of necessity read "The Prisoner of Zenda" nor "Sherlock Holmes." But why should she not compare different handbooks if she chooses, and why not make herself familiar with new books and old books and public documents and periodicals instead of folding book pockets, for instance.

We hear a good deal about time-savers—indeed, I believe we were to have had an exhibit of time-savers at this convention—but too often in the very libraries where the most of these excellent devices are employed, the time of assistants is wasted on "busy work."

It might be worth a special committee's report some time to know how much time, which might be saved for the library, is wasted in "hiring and firing" library employees. Before the National Association of Manufacturers at their twentieth annual convention last year, Mr. M. W. Alexander had a very enlightening paper on "Hiring and Firing; Its Economic Waste and How to Avoid It." Mr. Alexander made a careful study of twelve factories located in six different states, and his statistics were compiled from various viewpoints. His conclusions are interesting indeed. Of course, much of this data applies *only* to manufacturers and their employees, but there are certain statements made by Mr. Alexander which tend to make us think. I quote:

"While one manager estimated the cost of hiring and breaking in an employee at \$30, the estimates of all others ranged from \$50 to \$200 per employee. The great difference in these estimates is no doubt due to the diversity of the industries represented by these managers. Most estimates ranged between \$50 and \$100. The head of a large automobile manufacturing concern stated with positiveness that the engagement of a new employee would involve the expenditure of at least \$100. This statement is so much the more surprising, as it is well known that on account of the high wages paid in the automobile industry, it should not be difficult to secure the best type of employees, both as to technical skill and general discipline, and to hold them fairly well. Unquestionably the skill, experience

and intelligence of a new employee have much bearing upon the amount of money that needs to be expended for his training."

Mr. Alexander then divides his operatives into groups according to skill and proceeds to see how many have been hired unnecessarily and for what reasons. The paper has the following subheads, which might be quite as applicable to libraries as to factories:

- "Money waste in unscientific hiring."
- "Instruction expense."
- "Preventing waste in hiring."
- "Selecting the right man."
- "Instruction for new employees."
- "The employer's relation to the community."
- "The spirit of loyalty."

The last paragraph we would subscribe to entirely, I am sure. Again I quote:

"Close analysis of the men and women we take into our employ, effective systems under which we train them in their work, fair treatment while they are in our service, and adequate methods to insure their dismissal only for justified cause or their voluntary withdrawal with no ill-feeling toward their employer—these are essential factors in our problem of hiring and firing and must be our earnest concern lest we waste money in our business and sacrifice friendly relations with our employees." If we could know something of the actual money loss to the library, the hiring of poor assistants entails perhaps it would seem wise, and cheaper in the end, to pay the good workers higher salaries.

While I am still on the waste work topic, I wonder if we cannot do more than we are doing in listing, for the use of others, notes of our difficult questions and where we find the answers. Most reference departments have a file of answers to "stickers" for their own use, so that the same work need not be done a second time. But might there not be some library cooperation in this? If one librarian, after hours of searching for a list of the Cooperative Apartment Houses of New York City finally locates this information in a certain report, should it not be available so that other reference workers in other towns may be saved the same long hunt? Why not distribute our finds? That the H. W. Wilson "Public Affairs Information Service" and "Information" published by the Bowker Company are great helps we can all testify. The "Sponsors for Knowledge" plan is another big stride in cooperation, and the scheme of filing at A. L. A. headquarters, subjects of bibliographies in the process of making, should save much duplication. But we must have more getting together with the work, more cooperation of all kinds. If we cooperated with each other as libraries with half the zeal we put into the work with our individual library clients, our by-products would soon equal those of the Standard Oil Company in usefulness, if not in dividends.

I think of one other library by-product. How are we to utilize our waste public? From the library point of view a person is wasted until he "finds" the library. When we remember that no document or book or periodical or clipping or pamphlet is worth anything until it is read, it is obvious that we must get the people and the books together. This same statement has been made in one way or another at every library meeting since the library movement began.

With our children's libraries, our work for club women, our school work,

our libraries for the blind, the traveling libraries which go to hospitals and prisons and lighthouses and to many odd nooks and corners of the country; with our technical and business libraries, our legislative reference libraries, our state and college libraries, our libraries of art and architecture, our general collections and special collections, it seems sometimes as though we must be doing about all that can be done. But too small a percentage of our population forms our library clientele. We must have more library patrons. We must have our reference collections used more. Not only must they be used by students. They must be realized as research laboratories for the business man, the man of affairs, the practical man. "The material this department turned up for me the last time I was in," said a man not long ago to the Chief of the Documents Division of the New York Public Library, "saved my firm a special investigation which would have cost us five thousand dollars." "This library stuff is so exactly what I wanted," said another, "that I needn't go abroad for it. I was afraid I should have to." We want more of these things said to us. And to get these people interested we must do as they are doing. We must advertise. It even seems to me that a library advertiser, hired for this work and nothing else, would pay some libraries. We are slow to start some things in the library world, and probably it will be some time before we make use of this very patent method to get more library patrons. But there are ways of advertising which are automatic and which we may all follow, for having once acquired a new reader, we must, of course, make the library so necessary to him that he will come again and bring other readers. There is a "follow up" system as good for libraries as for business houses. Here comes a man, for instance, for something on compressed air diseases. The librarian gives him all the material she has time to collect, while he is in the library. But she has sized him up as a reader who is making a thorough study of the subject, and after he has gone she keeps right on looking for references, collects them in French and German and Italian, in books and periodicals and documents, and mails them to him on the installment plan. For a while that man will be an advertisement for the library, as good as an electric sign ten feet high. "Go to the library" will be his slogan. Long after the librarian has forgotten all about compressed air diseases, he will be turning his office force and all his friends into first-class library by-products, without any doubt.

Because of the tact and effort and understanding of the chief of a department in a certain large library, the secretary of one of the largest associations of manufacturers is the country made the statement that the best thing they had done during the year was to connect with the public library! A by-product worth having? In more ways than one, surely.

Fascinating work, much appreciated by the clients sometimes, and always a great satisfaction to the reference librarian who understands the game, is the helping of readers to help each other. Here is a man coming to the library to dig into Spanish diplomatic papers. In the opposite corner of the room is a scholarly Spaniard at work on a manuscript for a book on South American commerce. Each one has a point of view which may be useful to the other, and the librarian sees to it that they meet. The result is that now, day after day, they work at the same table, helping each other.

And the ex-bird man over near the door is more than pleased to meet the

novelist who wants information about wireless apparatus on flying machines, so much so, that one sees them later going to lunch together. And each one has suddenly acquired a certain "feeling of ownership" for the library, which in itself is a worth while by-product.

These illustrations might be multiplied many times. It's all for the business, and it goes to show that if we are going to be successful salesmen, whether for libraries or for any other concerns, we must have more than the cold science of our particular business, whatever it is. We must see things from the other fellow's viewpoint, and earnestly and sincerely try to understand our clients.

Probably these by-products which have come to my mind are not new to anyone here, and there are doubtless any number of wastes which are being turned into products for libraries, of more importance than these. But I do sincerely believe that by intelligent use of these wastes our libraries will be improved, our patrons better satisfied and ourselves more alive to the work and keener to its possibilities.

## NOTES ON LEGAL BIBLIOGRAPHY

"The most useful knowledge concerning the law is to know where to find it."

(Law librarians and others are requested to send notes appropriate for this page to  
Frederick C. Hicks, Law Librarian, Columbia University, New York City.)

The purpose of this department of the Law Library Journal is to record bibliographical information which will aid in finding and using the books that contain the law.\*

### LEGAL BIBLIOGRAPHY

#### Hoffman, David

Legal biography and bibliography.  
(In his Course of legal study, addressed to students and the profession generally, 2d ed. Philadelphia, Thomas, Cowperwait & Co., 1846, p. 622-671.)

Includes continental as well as American and English biography and bibliography; gives a list of American law reports, and a separate list of legal periodicals.

#### Guernsey, R. S.

Legal bibliography; its importance and utility.  
(In Library Journal, v. 1, p. 393-394, July, 1877.)

"A comprehensive legal bibliography of all law books in the English language would now (1877) contain more than 12,000 titles arranged under more than 600 subjects."

#### Kansas

#### Adams, Zu.

Catalog of the Kansas territorial and state documents in the library of the State Historical Society, 1854-1898. Topeka, W. Y. Morgan, 1900. 8vo, 93p. Printed also in Transactions of the Society, v. 6, p. 383-475.

Contains a list of "papers relating to the constitutions of Kansas, 1855-1861," and under the names of the various courts, and the heading "Legislature," lists of Kansas law reports and acts.

#### Maine

#### Carver, L. D.

Twenty-fifth report of the Librarian of the Maine State Library, 1891-92. Augusta, Burleigh & Flynt, 1892.

Contains a list of Maine law books—reports, digests, statutes, text-books, as well as a reprint of Drummond's bibliography of laws.

#### Periodicals

The Athenaeum subject index to periodicals, 1915. Issued at the request of the Council of the Library Association. London, The Athenaeum, 1916. fol. Section E, issued April 8, 1916, is devoted to "Economic and Political Sciences. Law."

\* Supplementing Aids to the Study and Use of Law Books. New York, Baker, Voorhis & Co., 1913.

Available published indices of legal periodical literature.

(In American Library Association Bulletin, v. 1, p. 252-254.)

Report of a committee of the American Association of Law Libraries recommending the establishment of a quarterly index to legal periodicals.

#### Roscoe Pound

List of legal writings of Roscoe Pound from 1903 to 1916.

(In Massachusetts Law Quarterly, v. 1, p. 155-158, May, 1916.)

### LEGAL TERMINOLOGY

#### Subject Headings

#### Munson, Agnes M.

New York statutory index.

(In Law Library Journal, v. 9, p. 1-8, April, 1916.)

#### Munson, F. Granville.

The making of a law index.

(In American Law Review, v. 43, p. 801-812, Nov.-Dec., 1909.)

Describes the method of preparing the "Index analysis of the Federal Statutes."

#### Foreign Legal Terms

The law glossary . . . by Thomas Tayler. New York, W. & A. Gould, 1833. (A review.)

(In American Jurist, v. 12, p. 248-270.) A critical review showing "the barefaced ignorance and absurdity with which this book abounds."

#### Anglo-French

#### Clover, Bertrand.

The mastery of the French language in England from the XIth to the XIVth century; including the phonetics and morphology of the Norman French language, with special reference to the law reports contained in the Year Books. New York, Corning & Co., 1888. 12mo. iv, 123p.

#### Maitland, Frederick W.

Of the Anglo-French language in the early Year Books.

(In Selden Society Publications, v. 17, p. xxxiii-Lxxxi.)

## German

**Wolfe, A. J. and Borchard, E. M.**

Glossary of German (and French) legal terms.  
*(In Commercial laws of England, Scotland, Germany, and France. Washington, Government Printing Office, 1915. —Dept. of Commerce, Special Agents Series, no. 97, p. 107-127.)*  
 German, p. 107-113; French, p. 113-127.

## CASE LAW

## United States

**American** state reports and session laws exclusive of side reports. Revised to May 1, 1916.

*(In Law Library Journal. v. 9, p. 32-35, April, 1916.)*

Gives date of regular session, source and latest volume issued.

**Cross, Arthur Lyon.**

Legal materials as sources for the study of modern English history.

*(In American Historical Review. v. 19, p. 751-771, July, 1914.)*

"I have sought to show that a study of the reports of the common law courts, of the records of quarter sessions, and the rolls of manors will richly reward the patient investigator."

**G., G.**

American reports and reporters.

*(In American Jurist and Law Magazine. v. 22, p. 108-141, October, 1839, and p. 401-404, Jan. 1840.)*

Describes the 545 volumes of reports published up to 1840, referring to the statutory provisions under which they were published.

**G., G.**

Digests of American reports, and American law periodicals.

*(In American Jurist and Law Magazine. v. 23, p. 128-137, April, 1840.)*

Lists and describes digests then in print, as well as eleven legal periodicals. In 1840 the only periodicals currently published were the *American Jurist* and the *Law Reporter*.

**Report** of the committee on law reporting and digesting.

*(In American Bar Association. Report, v. 18, p. 343-366; v. 19, p. 398-404; v. 21, p. 437-450; v. 22, p. 454-457; v. 24, p. 430-435; v. 25, p. 421-424; v. 26, p. 456-459; v. 27, p. 450-453; v. 28, p. 400-404; v. 33, p. 518-522; v. 35, p. 531-538; v. 36, p. 412-416; v. 37, p. 469-471; v. 39, p. 527-530; v. 40, p. 618-619.)*

The committee was appointed in 1894 to ascertain the condition of law reporting throughout the United States. Its recommendations deal with methods of reducing the number of volumes of reports, improving their form, and providing serviceable digests.

**Scherer, Robert G.**

Law reporting.

*(In New York State Bar Association. Proceedings, 1904. v. 27, p. 94-103.)*

Author was reporter of the Miscellaneous Reports. "The purpose of this paper is to show some reason for the great number of law reports and to demonstrate that the result arises not so much from the reporting of unnecessary or diffuse opinions as from the exigencies of our times and those of our legal system."

**Warren, Edward H.**

The welter of decisions.

*(In Illinois Law Review. v. 10, p. 472-478, February, 1916.)*

Suggests a method for reducing the number of printed decisions, and thereby reducing the number of law reports.

## New York

**Cook, Martin W.**

Text-books and reports.

*(In New York State Bar Association. Reports, 1888. v. 2, p. 41-43.)*

Part of the president's address. Recommends the appointment of a committee to devise means for decreasing the volume of law reports.

**Fiero, J. Newton.**

Can the present system of reporting decisions of the courts of this state be substantially improved, and, if so, by what methods?

*(In New York State Bar Association. Reports, 1891. v. 14, p. 173-178.)*

**Report** of sub-committee on law reporting, Committee on Law Reform.

*(In New York State Bar Association. Reports, 1892-1894. v. 15, p. 100-114; v. 16, p. 111-113; v. 17, p. 197-198.)*

**Report** of the Committee on Legal Publications.

*(In New York State Bar Association. Proceedings, 1914-1916. v. 37, p. 374-382; v. 38, p. 84-87; v. 39, p. 423.)*

Deals with the method of publishing the Combined Official Series of New York State reports and session laws. A bill was introduced in the New York Legislature, 1915 (Senate bill 364, Assembly bill 279) "creating a commission of twelve persons to be appointed by the Governor to propose to the Legislature a plan for reducing the accumulation of law reports." It passed both houses, but was vetoed by the Governor.

## Regnal Years

**Regnal Years**

*(In Fry, Edward A. Almanacks for students of English history. London, Phillimore & Co., 1915. p. 107-132.)*

"From the Norman conquest to the present time."

## Terms of Court

## Law Terms

*(In Fry, Edward A. Almanacks for students of English history. London, Phillimore & Co., 1915. p. 136-138.)*

Law terms after 1264 until 1751, old style; and from 1752 to 1830, new style.

## STATUTORY LAW

## United States

## Acts cited by popular name.

*(In Compiled statutes of the United States, 1913. St. Paul, West Publishing Co., 1914. v. 5, p. 5041-5047.)*

"This list is intended to comprise all Acts or Resolutions of Congress, or Presidential Proclamations, which are or have been cited by popular designation."

**Hendrickson, A. M.**

Alphabetical list of state acts cited by popular name.  
(*In Law Library Journal*. v. 9, p. 23-31, April, 1916.)

**Bryan, Henry L.**

The genesis of an act of Congress.  
(*In American legal news*. v. 26, no. 12 p. 11-14, December, 1915.) Describes also the forms in which federal acts are published.

**Wigmore, John H.**

List of references on problems of contemporary legislation. (*Northwestern University Bulletin*, v. 15, no. 5, October 2, 1914.) 8vo. 37p. Revised to June, 1914. No new edition, but kept up to date in manuscript.

**Georgia****Lamar, Joseph R.**

Georgia law books.  
(*In Georgia Bar Association. Report*, 1898, p. 118-146.) Deals chiefly with statute law books.

**Iowa****McClain, Emlyn**

The Iowa codes.  
(*In Iowa Law Bulletin*, v. 1, p. 3-28, January, 1915.) Prefaced by a brief account of codification in general.

**Powell, Clifford.**

The history of the codes of Iowa law.  
(*In Iowa Journal of History and Politics*. v. 9, p. 493-527; v. 10, p. 3-69, 311-362; v. 11, p. 166-220, 364-443; v. 12, p. 17-33;—Oct. 1911-Jan. 1914.) Contains extracts from executive documents, legislative journals and contemporary newspapers.

**Maine****Drummond, Josiah H.**

Bibliographic memorandum of the laws of Maine.  
(*In Maine historical society. Collections and proceedings*. v. 2, p. 391-402, October, 1891.)

Covers the years 1820-1888.

Printed also in 25th Report of the Librarian of the Maine State Library, 1891-1892, pages 34-41.

**Massachusetts****Fox, Jabez**

The comparative history of the general revisions of the statutes of Massachusetts in 1882 and 1860.  
(*In Massachusetts Law Quarterly*. v. 1, p. 141-149, May, 1916.) Reprinted from *American Law Review*, May, 1882.

**New Jersey****Keasbey, Edward Q.**

The early constitutions of New Jersey.  
(*In New Jersey Law Review*. v. 1, p. 20-43, May, 1915.)

**New York****Milburn, John G.**

The statute law of the state.  
(*In New York State Bar Association. Proceedings*, 1903. v. 26, p. 57-70.)

**Collin, Charles A.**

From the revised statutes of 1829 to the proposed consolidated laws of 1909.  
(*In New York State Bar Association. Proceedings*, 1909. v. 32, p. 330-352.)

# AMERICAN STATE REPORTS AND SESSION LAWS EXCLUSIVE OF SIDE REPORTS

*Revised to August 1, 1916*

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